

INDUSTRIAL EXCESS LANDFILL SUPERFUND SITE  
TECHNICAL INFORMATION COMMITTEE MEETING  
APRIL 21, 1999

- - -

BE IT REMEMBERED that upon the hearing  
of the above-entitled matter held at The United  
Methodist Church, 13370 Cleveland Avenue,  
Uniontown, Ohio, and commencing on Wednesday the  
21st day of April, 1999, at 7:10 o'clock p.m.,  
the following proceedings were had.

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## APPEARANCES:

## Present TIC Members:

Denise Gawlinski  
Ross del Rosario  
Louise Fabinski  
Larry Antonelli  
Bill Franks  
Doug Haynam  
Todd Struttmann  
Larry Witsaman  
Norma Bolt  
Sue Ruley  
Fawn Rinehart  
Tim Thurlow

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MS. GAWLINSKI: Thank you all for coming tonight. I think I know almost everyone in the room here, but for those of you whom I don't know, my name's Denise Gawlinski, and I'm a community involvement coordinator for the Industrial Excess Landfill site here in Uniontown.

It's been a couple of years since the Technical Information Committee or TIC last met, and I hope that this meeting and those in the future are productive and meet the needs of the community and all the groups who are members of the TIC. I hope it meets everyone's needs.

What I thought we would do first is quickly go around the U here and ask everybody to hopefully introduce themselves and their affiliation with the site. Doug.

MR. HAYNAM: I'm Doug Haynam, and I'm counsel for B.F. Goodrich, Goodyear, Bridgestone/Firestone and GenCorp, and I'm here being a representative.

MR. STRUTTMANN: I'm Todd Struttman,  
Sharp & Associates, and I'm a consultant firm for  
that group.

MR. WITSAMAN: I'm Terry Witsaman,

I'm a Uniontown resident and a member of the CCLT, and I'm filling in for Chris Borello tonight.

MS. BOLT: I'm Norma Bolt, member of CCLT filling in for Ruth Moreland tonight.

MS. RINEHART: I'm Fawn Rinehart, I live in Hudson but I grew up in Uniontown, and I'm filling in for Chris Borello tonight.

MS. RULEY: I'm Sue Ruley, Lake Township trustee.

MS. FABINSKI: Louise Fabinski from ATSDR.

UNIDENTIFIED SPEAKER: Do we have a microphone around here?

MS. FABINSKI: I think we're all just going to have to talk a little louder.

MS. GAWLINSKI: Maybe, Tim, could you run and see if there's somebody in back here that we could get a microphone.

MR. FRANKS: Maybe you'll have to put chairs a little closer. Maybe people will have to sit in the front row.

MS. GAWLINSKI: That's true, if everybody wants to move out to the front row that might help, and if everyone could just kind of

remember to speak loudly.

MR. del ROSARIO: Should we  
continue?

MS. GAWLINSKI: Ross.

MR. del ROSARIO: Ross del Rosario,  
U.S. EPA.

MR. ANTONELLI: Larry Antonelli,  
remedial response, Ohio EPA.

MS. GAWLINSKI: Okay. Great, I think  
that's everyone on the TIC who's here.

The purpose of tonight's meeting is  
really just to get reacquainted, to kind of -- do  
we have another member here?

MR. FRANKS: Yeah. Bill Franks,  
Stark County Health Department.

MS. GAWLINSKI: Great, thanks for  
coming. As I was saying, the purpose of  
tonight's meeting is just to really reconvene the  
Technical Information Committee and get  
reacquainted, to review the TIC's charter that  
was developed after the Record of Decision was  
signed in '89, and I think that it was last



revised in '91 and kind of to set the stage for  
future TIC meetings when we'll have specific  
technical issues to discuss.

What we thought we would do tonight is also provide an update on site activities both from the technical standpoint and the public involvement standpoint and then hear any issues that other TIC members would like to bring up as well. The last thing we'd like to do is discuss the timing of the next TIC meeting.

Of course, I want to mention that we have a Court Reporter here who's taking down everything that's being said, and I'll provide all TIC members with a copy of the transcript. And if there's anyone else in the audience who would like a copy of the transcript, please just let me know after the meeting and I'll make sure you get a copy as well.

And at this point I guess I want to turn it over to Ross to give everyone an update on technical issues. Ross.

MR. del ROSARIO: Thank you, Denise. It's been about approximately a month and a half since our public meeting. The public comment period ended April 11th. Since that time we have

started compiling the -- all the comments that we received. We're in the process of preparing a responsiveness summary, basically answering all

those questions and inquiries that we received.

We're also -- in conjunction with preparing a responsiveness summary we're also in the process of preparing a response to the responsible parties' September '98 groundwater summary report. We should be ready with our comments within the next couple of weeks.

Also in preparation for the ROD amendment we're also setting up the -- sort of the beginnings of developing a monitoring plan, which we briefly talked about at the public meeting, and we're also in the process of gearing up for the, the actual remedial design work, which I think some of you remember was at the 95 percent completion.

So those basically, in a very short synopsis, is what we're planning to do in the very near future. Thank you.

MS. GAWLINSKI: Thanks, Ross.

MR. del ROSARIO: Thank you.

MS. GAWLINSKI: Kind of covered a few of the things I was going to cover next.

MR. del ROSARIO: Still your thunder  
though.

MS. GAWLINSKI: Still my thunder. I

wanted to mention that there is kind of a charter for the Technical Information Committee, and I brought copies of the last update, which is dated May 21st, 1991. I didn't make any changes to it. If you'll look through it you'll see some strike-outs, cross-outs of information, but I just wanted to remind everyone that we will continue to follow the guidelines outlined in this document.

MS. FABINSKI: Are we going to go over that charter so that everybody really understands what membership is and what --

MS. GAWLINSKI: Sure.

MS. FABINSKI: I think we probably should. I don't know if the members in the audience --

MS. GAWLINSKI: We've been going over them individually as they've been coming in.

Well, the first thing, of course, is to go over the purpose of the TIC and that is to review and provide comments of any draft proposal documents that are related to the site, and

that's outlined on Page 1.

On Page 2 there's some ground rules,  
talks about membership of the TIC, "At a minimum

the following organizations should be represented on the TIC: U.S. EPA, Concerned Citizens of Lake Township, Ohio EPA, public at large, Stark County government and Lake Township government.

In order to maintain a balanced membership each organization can have no more than two representatives on the TIC, but of course all interested people are invited to attend and observe the TIC meetings." It goes on to talk about the kind of information that should be addressed or looked at by the Technical Information Committee.

And on Page 5 it talks about operating procedures, when and where TIC meetings should be held, developing agendas, the process for reviewing documents. It says here that TIC members -- let's see, "U.S. EPA will send draft technical documents to all TIC members so that they are received at least 14 days but no more than 30 days prior to the review deadlines." And review times will vary depending on the document.



Page 6, summaries from the meetings  
will be, will be kept and distributed. Talks  
about membership changes, if somebody from the

TIC resigns an invitation to join the group will be sent to an individual suggested by the TIC as a whole.

It talks about the role of contractors and representatives from the public, and attached to it is a membership list, which I did update, but as I was explaining to Sue Ruley before the meeting started, by that I just mean that I would -- I put my name on the list instead of John Perrecone who was the former community involvement coordinator at that time, and Larry Antonelli's name was on there instead of Judy Corkran as Ohio EPA's representative.

MS. FABINSKI: Are we going to go over those lists of members because it has changed, there are other changes on here, too?

MS. GAWLINSKI: We can do that if everyone would like to do that.

MS. FABINSKI: Because I can tell already we are -- Millie Griffith, I'm not sure if she's still going to be coming and maybe you would want to consider putting somebody else in

Millie's place.

MS. GAWLINSKI: Well, does everybody  
want to do that, go through?

MS. FABINSKI: Certainly Phyllis Harnack.

MS. GAWLINSKI: I did speak with Millie and others. Okay. We can start on Page 1. The two members from CCLT are Chris Borello and Herb Kohler. I spoke --

MS. FABINSKI: Is that confirmed?

MR. WITSAMAN: Pardon me?

MS. FABINSKI: Is that what CCLT still wants?

MS. BOLT: Chris, yes. Herb's out of town so I'm not sure about Herb, but I assume he would.

MS. FABINSKI: Do you want to check and let us --

MS. BOLT: I'd leave it on unless you hear otherwise.

MS. GAWLINSKI: I was saying I did speak with Herb and he said he wanted to remain on the TIC.

Gayle Jackson, President of Stark County Board of Commissioners, she couldn't be

here this evening but said she wanted to remain  
part of the TIC.

Bob Horowitz, prosecuting attorney

from Stark County, said he would like to remain on the list.

Bill Franks, Stark County Health Commissioner. I did replace Don Cassetty's name with Sue Ruley's name as one of the representatives from Lake Township, the other is Norm Martin, vice-president, and if --

MS. RULEY: If he's available but he's generally out of town.

MS. GAWLINSKI: I'm sorry -- he's generally?

MS. RULEY: He's generally in Columbus on Thursday night.

MS. GAWLINSKI: Okay.

MS. RULEY: So he's iffy.

MS. GAWLINSKI: But you'd like him to remain the second representative at this point?

MS. RULEY: Yeah.

MS. GAWLINSKI: Okay. Reverend Richard Beck, I spoke with him, and he said he would like to remain part of the group.

MS. FABINSKI: The police and fire

department are off now?

MS. GAWLINSKI: Well, I went by this

-- by the '91 charter, and if you look on Page 3

those two entities are crossed off.

MS. FABINSKI: Okay. Let's cross them off on the list, too.

MS. GAWLINSKI: They are crossed off on the list. You don't have the update.

MR. del ROSARIO: She's using my old list.

MS. GAWLINSKI: Do you want a copy of the real list?

MS. FABINSKI: I'll get it later.

MS. GAWLINSKI: Okay. Then we have the U.S. and state senators and representatives.

MR. WITSAMAN: Dave Johnson is no longer a representative.

MS. GAWLINSKI: I'm sorry, it's my mistake.

MR. WITSAMAN: John Myer.

MS. GAWLINSKI: John Myer, yeah, I will make that correction.

Ralph Regula, I know that the site is no longer in his district, but I think he's remained interested in the site and --



MR. WITSAMAN: So he wants to be on  
it then is what you're saying?

MS. GAWLINSKI: His name was on the

original list and I -- yeah, I just kept him on the list.

MS. FABINSKI: I have a point of clarification here. If people are not going to attend the meetings then are they TIC -- shouldn't that be part of TIC membership?

And I think what Regula used to do since he couldn't come to all the meetings, it used to be Daryl Revoldt who would come. Is there somebody from his local office that would be willing to come to meetings? Otherwise, it's just a mailing list.

MS. RULEY: Daryl ReVolt is mayor of North Canton, he would be available I would think.

MS. FABINSKI: But he doesn't represent Ralph Regula anymore, does he?

MS. RULEY: Yes, he does.

MS. FABINSKI: Oh, he does.

MS. GAWLINSKI: Well, it would be up to Ralph Regula's office to decide --

MS. FABINSKI: So we need to ask

who's going to come from there?

MS. GAWLINSKI: If somebody's going  
to come that would be . . . But, you know,

Louise, you're right, it does say in the TIC charter that TIC -- "Effective participation in the TIC will require a tremendous commitment of time and energy by its members. All TIC members will agree to devote the time necessary to adequately review, comment and discuss technical issues related to RD/RA." So is that what you're getting at?

MS. RULEY: I'm wondering if Voinovich and Mike DeWine would ever attend.

MS. FABINSKI: I'm sorry?

MS. RULEY: Whether George Voinovich and Mike DeWine would ever attend.

MS. GAWLINSKI: Yeah, I don't know, but the reason I did that is because their names were on the original TIC member list so I didn't want to exclude or take any names off. What I did was just replace, like I said, I made the obvious changes, but I didn't want to take any names off at this point.

MR. WITSAMAN: I think what you should do is call their office and say, If you're

not willing to send a representative to the  
meeting that's knowledgeable then don't come.

MS. GAWLINSKI: Then maybe we can

just add them, they're on the regular mailing list, to get information but not the actual TIC list? Okay.

MS. FABINSKI: Right.

MS. GAWLINSKI: Does that sound like a good idea to everyone?

MR. WITSAMAN: They have a staff and they can send someone if they chose to.

MS. GAWLINSKI: Yeah, okay.

MR. FRANKS: Then Johnny Myer, William Healy and Kirk Schuring, neither one of them has this district though. Whose district is this?

MS. RULEY: This is John --

MR. FRANKS: Johnny Myer. So it might be hard to get Bill Healy and Kurt Schuring. This isn't their district, so.

MS. BOLT: Johnny Myer --

MS. GAWLINSKI: It's mainly Johnny Myer. So William Healy and Kurt Schuring, do we all agree to strike them?

MS. FABINSKI: Yes.

MR. WITSAMAN: Yes.

MS. GAWLINSKI: Okay. Then we have  
Larry Antonelli from OEPA. Louise Fabinski,

ATSDR. Bob Frey from the Ohio Department of Health.

MS. FABINSKI: That's going to be a question mark. I'm not quite sure if it's going to be Bob Frey, but it would be somebody from ODH.

MS. GAWLINSKI: Okay. Okay. Then the two public-at-large representatives on the original list were Mildred Griffith and Phyllis Harnack. I was not able to get a hold of Phyllis, but I left her a message and sent her a letter, but I never heard back from her.

But I did speak with Millie a few times and she said her participation is up in the air because of an illness, so she wasn't sure if she would remain on the TIC, so. She was going to talk to another Uniontown resident to take her place.

MR. WITSAMAN: I would like to be that resident.

MS. FABINSKI: The discussion I think we've had before about people at large was --



MS. GAWLINSKI: I'm sorry, one  
conversation at a time.

MS. FABINSKI: The conversation we

had when we first set up this TIC, Terry,  
precludes that and for one reason, we're supposed  
to have people at large, not four CCLT members.  
Okay. There are two representatives from CCLT,  
we need two community members who are not CCLT  
members to represent the community at large.

MR. WITSAMAN: Millie was --

MS. FABINSKI: And that was a big  
discussion we went through originally when the  
TIC was set up.

MR. WITSAMAN: Millie was on the  
CCLT.

MS. FABINSKI: I know but it was not  
supposed to be that way. We're supposed to have  
four -- two representatives from each agency.  
It's in the agreement here.

MR. WITSAMAN: Let me add something  
to that, it also says there that the companies  
and/or the U.S. EPA can bring all the contractors  
if they wanted and set the table.

MS. FABINSKI: No, no, no, it does  
not say that. Read what it says. It says anyone

can have their contractors present technical information, that's what it says.

MR. WITSAMAN: And that's what we're

reviewing. That's why the name is Technical Information Committee.

MS. FABINSKI: That's right, but there are supposed to be two community people who represent the community at large, not CCLT, because otherwise what you're getting is a CCLT opinion and not of other people who live in the community.

MS. RULEY: Okay. I thought --

MS. FABINSKI: That doesn't mean you can't substitute for somebody, if they can't be here that you can't substitute.

MS. RINEHART: How at large can it be? I live in Hudson but I grew up, went through high school, lived here through college.

MS. RULEY: It has to be a resident.

MS. FABINSKI: It has been -- a resident that is affected by the decisions that are being made in the present and for the future.

You know, I don't mean to be rude about that because you can talk to that person

and that person will represent your opinions,  
that's the way this was set up.

MS. RULEY: I think we're trying to

get someone from the community at large, I just didn't get a commitment for tonight but I'm making an effort.

MS. FABINSKI: And I think any member of the audience who is a member -- who is a resident here who feels as if they could make the commitment should submit their names and say, I'd like to be considered for it, and we can look at that and determine from that, you know, who would be.

MS. RULEY: Then it would be just a question of going to Denise and saying, I have this member or should I like suggest --

MS. GAWLINSKI: I think the way the charter's written -- let's see, the group, the group as a whole has to agree on the person, is that right, Louise, the way you understand it?

MS. FABINSKI: Yeah. It's not a vote. Is the person going to make a serious commitment? Do they really have a serious interest in this? Are they a resident? And, you know, I think that's basically it, but they are

supposed to represent the community so people may  
call them and say, I would like you to put my  
opinion up at the next TIC meeting and they

should be willing to do that, and they should be willing to answer people's questions if people ask them questions outside of these meetings.

MS. GAWLINSKI: Is that satisfactory?

MR. WITSAMAN: Maybe what we need then is an attendance statistics for people to maintain their position.

MS. FABINSKI: I would agree.

MR. WITSAMAN: Because we have a whole laundry list of people who don't come to any of these meetings.

MS. FABINSKI: I agree.

MR. WITSAMAN: So they're not knowledgeable about anything that's going on, they're not reviewing the information, and I for one have reviewed information and I am knowledgeable and I do live in the community.

MS. FABINSKI: And you can certainly substitute for Chris when she's not there as the other member of CCLT.

MR. WITSAMAN: Well, thank you very



much for letting me do that.

MS. FABINSKI: Terry, there are rules, the rules are set up, we all agreed to

them, and I don't think we should fight about that.

MR. WITSAMAN: Where is the rule that let's the companies' lawyer be a member of this committee, when did that rule pass?

MS. FABINSKI: The TIC membership was agreed upon by the TIC years ago, and it's documented in here.

MR. WITSAMAN: Well, you know, U.S. EPA never called a meeting of this TIC committee for how many years?

How many years did this town go without any meetings while U.S. EPA and the PRPs were meeting behind closed doors, calling each other in conference calls --

MS. FABINSKI: The discussion --

MR. WITSAMAN: -- let me -- without any representation from the community and now here we sit at a TIC meeting because you guys want the Record of Decision, want to change the Record of Decision to what you want.

And, in fact, tonight Ross just stood

up and said he wanted to talk about the changes  
in the Record of Decision, and we just had a  
public comment period and we just had a public

meeting on that and you want to go forth right now with the Record of Decision, and I don't think you're really considering what the public input was and by law you must.

MS. GAWLINSKI: Terry, if I can interrupt, I'm going to explain more about the process in a little bit after we go over the member list, if you can hold that off for a moment and stay focused and go through this list I'll give you more information about where we are on the -- what the very next step is.

MR. WITSAMAN: All right.

MS. GAWLINSKI: Okay. Thanks.

MR. ANTONELLI: Denise, in addition, I wanted to add Atiur Rahman's name as our other contact.

MS. GAWLINSKI: I'm sorry, the name?

MR. ANTONELLI: Atiur, A-T-I-U-R, Rahman, R-A-H-M-A-N.

MS. GAWLINSKI: And he would be replaced -- he would be the second Ohio EPA representative?

MR. ANTONELLI: Right.

MR. HAYNAM: I'm sorry, Larry, what  
was Atiur's last name?

MR. ANTONELLI: Rahman, R-A-H-M-A-N,  
division of groundwater.

MR. FRANKS: But I don't see on here  
where it says two people of Concerned Citizens --

MS. GAWLINSKI: Right there,  
(indicating).

MR. FRANKS: She represents -- okay.

MS. FABINSKI: That was to try to  
keep it balanced. It's not a voting body, Bill,  
but it was to try to keep it balanced so that  
everybody had kind of an equal voice among the  
agencies and also that the community had  
representatives from CCLT and also from the  
general community, that's what that was for.

MS. GAWLINSKI: Okay. I think we  
left off on Millie Griffith and Phyllis Harnack  
as the two general community representatives, and  
at this point it sounds like both of their  
participation is iffy.

MS. RULEY: I haven't -- I haven't  
talked to Phyllis for about a year so I don't  
know, but I think maybe a call should be made to

her. I can make a call to her, and I think we should make an effort to find substitutes if these two ladies cannot attend.

MS. FABINSKI: Right.

MS. RULEY: And I will make that effort.

MS. GAWLINSKI: And just to reiterate, I did call her two times and did send her a letter but did not hear back.

MS. RULEY: I think she spends some time in Florida, I'm not sure.

MS. GAWLINSKI: Okay. The two PRP representatives, Doug Haynam and Todd Struttman, and then of course with U.S. EPA Ross del Rosario and me.

In the charter it also talks about notifying media and the general public about TIC meetings, and I just wanted to let people know that we did place ads in both the Canton Repository and the Akron Beacon Journal, and we did issue a release letting people know about tonight's meeting and we will continue to do that for future TIC meetings.

MS. FABINSKI: I just wanted to ask Sue if that is still the best way to get the



widest announcements out or do you have like a  
cable TV or town radio or a web page that people  
look at?

MS. RULEY: The Beacon and Web are probably the most widely read, one at one end of the township and one at the other, so.

MS. FABINSKI: Okay. Is there any other effort we would have to make?

MS. RULEY: There's a local Hartville News.

MS. GAWLINSKI: How about this, how about we place an ad seeking membership from the general community and seeing -- you know, asking somebody to send in --

MS. RULEY: A resume?

MS. GAWLINSKI: -- an application -- not an application, just a letter, you know, expressing their interest and their affiliation to get --

MS. RULEY: I think maybe perhaps within the township we could --

MS. GAWLINSKI: But then would that be a township decision and not --

MS. RULEY: No, it would be the individual to say -- somebody's got to call these

people and somebody's going to have to call  
Millie and Phyllis and whose decision is that  
going to be, is it going to be mine, CCLT,

doesn't matter if they're not going to be on the

--

MS. GAWLINSKI: Right, but if you come up with two other names are there replacements?

MS. RULEY: I don't know who it would be, but there may be somebody out there. Maybe by way of the media they could call the township office and we could get to you or call you direct.

MS. GAWLINSKI: Well, my question is would the group agree and accept the two names that you put forth or -- I'm just trying --

MS. FABINSKI: Denise, there is a way we could do this. Okay. EPA has an 800 number, you could put an ad in the two newspapers saying we're soliciting -- after you talk to these two ladies --

MS. GAWLINSKI: That was my suggestion.

MS. FABINSKI: -- put it in the newspaper, call this 800 number, you know, talk

to Denise, we'll put that nomination forward at the TIC meeting.

MS. GAWLINSKI: That was my

suggestion, yeah. Does that sound --

MS. BOLT: There are people who have been coming for 15 years and have signed every one of those sheets, and they have some idea of what's taking place over the long haul. If you put an ad out that says come join the meeting, somebody's going to come that you're going to have to bring totally up to speed, they won't have any idea really.

MS. FABINSKI: We wouldn't accept them as a TIC member if we did that.

MS. GAWLINSKI: There's only two spots.

MS. BOLT: There's really --

MS. GAWLINSKI: There's only two spots and if we get ten names, we're going to recognize the names that the people who know about the site.

Another suggestion is people right now come up with ideas, you know, of community members that they know of and we, you know, use that list to choose from.

MS. RULEY: And I suppose if they  
have an engineering background that would give  
them a one up of someone who just walked in off

the street.

MS. FABINSKI: Norma, if you know of people, I trust you enough as a -- even as a CCLT member to be objective about it, and if you know people who have been coming that you think would be good, give Denise the names and we'll contact them.

MS. BOLT: Frederick Hermanowski.

MS. GAWLINSKI: Hermanowski?

MS. RINEHART: Hermanowski. Theresa Thompson, T-H-E-R-E-S-A, Thompson, T-H-O-M-P-S-O-N.

MS. FABINSKI: See, I don't recognize those names. I remember one.

MR. FRANKS: We have to do the application process according to this.

MS. FABINSKI: Where --

MR. FRANKS: The bylaws on the bottom of Page 6 the way I read it.

MS. FABINSKI: I guess we all have to read it.

MS. GAWLINSKI: "Using an application



process. Availability of applications will be announced in a public notice. All applications will be reviewed" --

MS. FABINSKI: Well, each is different. Membership changes, "If any TIC member resigns, an invitation to join the TIC will be sent to an individual suggested by the TIC membership. The TIC can seek membership from any interested organization that represents the affected community."

MS. GAWLINSKI: So it's not an additional person, it's just a change.

MS. FABINSKI: A change.

MR. WITSAMAN: I have to question where it says organization. We're talking individuals, it talks organizations.

MS. FABINSKI: They're talking about two things here, Terry. They're talking about if an individual TIC member resigns, then an invitation will be sent to them, a new person that was suggested by the TIC. In addition, the TIC as a whole can seek membership from another organization.

Let's say there was another county or city organization that's brought up that had some

interest, you could then -- the TIC as a whole  
could agree to invite that organization.

MS. RINEHART: So if I had an

organization in Hudson that was interested in this IEL site here and what's going on --

MS. FABINSKI: That represents the affected community. Do you -- you don't represent the affected community.

MS. RINEHART: Okay.

MR. STRUTTMANN: If we go a little bit further down, instead of Item E go to Item G, there's a discussion on the -- discussion on public-at-large representatives.

MS. FABINSKI: I think that may have been different. I think that's one we originally started, but now we're just doing the other.

MS. GAWLINSKI: No, no, I think she was making the distinction that was the process we were using back then to seek public-at-large representatives, but if you look at E, Millie and Phyllis are already members, if they leave then you're just -- there's a membership change, you're not adding a third member from the general public and a fourth member.

MS. RULEY: Two from each group?

MS. GAWLINSKI: Right.

MR. FRANKS: So I guess that -- you  
mean Terry could not fill that because he's a

member of CCLT?

MS. FABINSKI: He would be representing CCLT, yes.

MR. FRANKS: Well, why couldn't he say he was representing the public at large and I'm not representing --

MS. FABINSKI: Because CCLT does not represent the public at large, it represents CCLT.

MR. WITSAMAN: Louise --

MR. FRANKS: Terry would be representing the --

MR. WITSAMAN: -- Millie Griffith is a member of CCLT and still is, so I don't know where your logic is coming from.

MR. FRANKS: Terry, are you an officer of the CCLT?

MR. WITSAMAN: On the Board.

MR. FRANKS: Oh.

MR. WITSAMAN: So is Millie, so.

MS. FABINSKI: I don't -- back in 1983, I'm not too sure even then if Millie was

actually a member of CCLT, okay, I'm not really  
sure of that, Terry. I'll grant you that later  
on certainly she did bind with CCLT, but it does

say here, and I think we should stick to what the rule says, if there was a mistake made in the past the rule does say there should be two from any organization and two from the community at large, and I think we should stick with that.

MR. WITSAMAN: Louise, you're a citizen of the United States but you're also a citizen of the state you reside in; is that correct? You have two things.

MS. FABINSKI: I have absolutely no idea what that means.

MR. WITSAMAN: It means you can be two things, Louise, you can be a member of CCLT and you can be a member of the community, which I am.

MS. FABINSKI: I will not follow that logic, okay. I think it's pretty logical to everybody that CCLT is an organization and that a community member at large is not a CCLT member, it's the community at large. There's certainly enough people in Uniontown, how many thousands do you have and how much interest has there been,



that certainly we can find two people who are not members of CCLT and are part of the affected community. To me that's the clearest logic in

the world.

MS. BOLT: Could we get a copy of the list of people who attended your last meeting because there were some new young people who were very interested and were knowledgeable in the field?

MS. FABINSKI: The one groundwater guy, I forgot his name.

MS. GAWLINSKI: Shalala.

MS. FABINSKI: Shalala, okay, you know, he has that kind of a background.

MS. RULEY: He has an environmental background, he would be good.

MS. BOLT: Right. But if we don't have a list where we could contact him --

MS. GAWLINSKI: Oh, we have a list and I can share that with you, and I, of course, can call him as well, but we need to decide how we're going to do that.

MS. BOLT: Just share that list --

MS. RULEY: That's in the minutes.

MS. BOLT: -- because those people

who have indicated interest -- because if you put  
in the paper, I have young people that work -- I  
mean young children who work and a lot of times

they don't read the paper.

MS. FABINSKI: How about if we sent that list out very quickly and ask people to turn it around very quickly to make a selection, to circle a couple of names that they feel should be contacted.

MS. RULEY: I think Shalala might be a good one to contact.

MS. GAWLINSKI: Does anybody know about him?

MS. RINEHART: I think we should go through the list and we'll all take turns calling and we'll narrow it down to four people and find out the two that are really, really interested. I mean, that's very simple.

MS. FABINSKI: Well, you can call them. You can call everybody on the list and find out --

MS. BOLT: If we get the list we'll call.

MS. GAWLINSKI: I thought of a few people, Tom Shalala was one of them who showed an

interest.

MS. RULEY: I think he should put a  
star by his name.

MS. GAWLINSKI: I'm sorry?

MS. BOLT: Put a star by his name.

MS. GAWLINSKI: Okay.

MS. FABINSKI: Do we have a process  
here?

MS. GAWLINSKI: That's what I'm  
trying to find out.

MS. FABINSKI: If you took a list of  
who were at the last two meetings and call a  
number of those people, you could even get on the  
phone with Sue and Terry and some of these other  
folks here, find out -- make sure they're not a  
CCLT member and find out if they would be  
interested in joining the TIC.

MS. GAWLINSKI: I can do that, I can  
do that myself, I can do that with others on the  
line. We need to decide if that's the route we  
want to take.

MS. RINEHART: I'm okay with that.

MR. STRUTTMANN: Makes sense.

MR. FRANKS: That's fine.

MS. GAWLINSKI: Guys?

MR. del ROSARIO: That's one, yes.

MS. GAWLINSKI: If you could provide  
me the numbers for the two people you gave me,

and I'm adding Tom Shalala to that list.

MR. HAYNAM: What are the names you have?

MS. GAWLINSKI: The two names I have are Frederick Hermanowski and Theresa or Theresa Thompson.

MS. RINEHART: Theresa Thompson.

MS. GAWLINSKI: Any other candidates? Any other candidates that anyone would like to throw out?

MS. FABINSKI: Couldn't you run the list by them when you get back and kind of give you an input? Sue and Terry and the other two ladies can go through these.

MS. BOLT: Mr. Titmas live in Uniontown?

MR. WITSAMAN: You don't live in town, do you, Mr. Titmas?

MR. FRANKS: Dave Herbert is a community-at-large person.

MR. TITMAS: No, but do you want me to move?



MS. BOLT: Yeah. I'm sorry?

MR. FRANKS: Dave Herbert, he used to  
be a township trustee, he's a resident of this

community.

MR. WITSAMAN: He works for the township so he can't be on.

MR. FRANKS: He works for the township?

MS. RULEY: He's our attorney, Bill. There he is.

MR. FRANKS: So that would be three -- we got three from county government so either Gayle, Bob or I have to go in.

MS. FABINSKI: No, you're considered -- you're considered health department.

MS. RULEY: Health department.

MS. FABINSKI: Whether you're county or not you're health department, local health department, that's how we looked at you.

MS. GAWLINSKI: Okay. Well, I will send both -- Sue, I'll send the sign-in sheet from the March 2nd meeting to you, and should I sent it to you, Terry, or Chris?

MR. WITSAMAN: Send it to Chris because she'll be back.

MS. GAWLINSKI: And if you can get  
back to me as soon as you can with any other  
suggestions from that list.

MS. RULEY: Tomorrow.

MS. BOLT: And Herb also, please,  
Herb Kohler.

MS. GAWLINSKI: Send it to Herb  
Kohler?

MR. HAYNAM: All the TIC members.

MS. GAWLINSKI: I can do that. We  
already have it but --

MS. FABINSKI: That would be good.

MS. GAWLINSKI: Okay. Okay. The  
other thing I wanted to mention, I may have  
already mentioned this, but I will send a copy of  
tonight's transcript to everybody on the TIC.

The transcript will also be put on  
EPA Region 5's home page and it will be sent to  
the information repositories as well, and if  
there's anyone else in the audience that would  
like a copy, just let me know and I'll get it to  
you.

MS. FABINSKI: I would still like to  
go back and get a resolution on the attendance  
question. And I had talked this over privately

with Denise, I thought maybe when the minutes  
come out every time, the list of people who  
attended and who didn't attend should be put on

there and then also whether people followed or had the responsibility to actually submit written comments, even if they're handwritten comments, because those are the two -- there's actually three commitments that TIC members make, they'll come to the meetings, they'll review documents and submit comments and that they'll also disseminate information. That doesn't mean we count up things, but.

MR. WITSAMAN: I have to disagree with the handling of comments. I don't think that's a necessary thing. Somebody can review the information and come to the meeting and still discuss it without writing comments.

MS. FABINSKI: Will there be a Court Reporter at each meeting so we know what the comments are?

MS. GAWLINSKI: Yes.

MS. FABINSKI: Then I would agree with you.

MR. WITSAMAN: Well, if there's always going to be a Court Reporter.

MS. FABINSKI: I would agree with you  
then, we don't have to.

MS. GAWLINSKI: Okay. Anything else

on that? The other thing I wanted to let everybody know about the number of public comments we received. As you know, the comment period ended on April 12, and we received comments from approximately 55 or 60 people or organizations. Most of them we received through U.S. mail or by fax. About a dozen of them we received via e-mail, and I think two of those dozen came to us through the PRP's web site, people had sent comments to that address and then they forwarded the comments to us.

And I bring this up because I had, I had a discussion with Chris Borello yesterday and she asked me about that and wanted to know how the comments were received, so I wanted to let everybody know how we received them. Norma.

MS. BOLT: I asked you, the things that were said at the last meetings, those were incorporated as comments, right?

MS. GAWLINSKI: Yes. Yes. I think there were 20 people who stood up and spoke at the public meeting.



MS. BOLT: That's in addition to  
that?

MS. GAWLINSKI: No, that's including.

MS. BOLT: That's including?

MS. GAWLINSKI: That's including, and, again, I'm saying approximately because some of the people who spoke at the meeting also submitted written comments at a later date, so we don't have the exact number yet. So between 50 and 60 people or organizations submitted comments including those at the meeting.

MR. WITSAMAN: At that meeting when, you know, people spoke, if they also submitted written comments, were they both included, I hope?

MS. FABINSKI: They will be.

MS. GAWLINSKI: Yeah, you gave me a copy of what you said and they'll both -- they'll both be looked at, but I think you pretty much gave us a copy of what you said, right? You're not saying that's something different?

MR. WITSAMAN: I added stuff to that when I was speaking.

MS. GAWLINSKI: Yeah, we have both, both the transcripts and your typed comments.

The next step in this process is to  
separate and group similar comments and then, of  
course, to evaluate them and respond, respond to

them in a document called responsiveness summary, and the responsiveness summary will be made available to the public or will be issued along with the Record of Decision, not beforehand but once a decision has been made it will be issued along with the Record of Decision.

MR. WITSAMAN: Can I ask you something? I read in the Canton Repository I think the next day after that meeting that the Superfund section chief was interviewed and he biased this whole process. He said, if this is accurate, he said something to the effect, That everything I heard, I didn't hear anything new tonight, that's what he said.

He said just taking the comments, you know, as they -- as they were written or spoken, you know, he made that comment to a reporter and that really --

MS. FABINSKI: Excuse me, I've read every newspaper article that's been in the Canton Repository since they started their archives on it, I have never seen that as a quote anywhere.

The Superfund -- the Superfund's  
chief's name is Bill Muno.

MS. GAWLINSKI: No, Louise, the

person who came from Region 5 to represent management was Ken Tindall. He's the one who came to the public meeting. Bill Muno wasn't there.

MS. FABINSKI: Well, he said the Superfund chief was interviewed.

MS. GAWLINSKI: Section chief.

MR. WITSAMAN: Section chief.

MS. FABINSKI: Oh, I thought you said chief, okay.

MS. GAWLINSKI: Terry, I don't know, I have not seen our collection either, I've never seen anything quoted from Ken Tindall.

MR. WITSAMAN: That to me made it appear that he was already biased and he wasn't considering and he didn't want to consider the information with an open mind.

MS. FABINSKI: I think before we even consider addressing that question we should go back to the newspaper articles and try to find that newspaper article. I'll be willing to bring in every newspaper article so that we can do

that.

MR. WITSAMAN: I'll ask Bill Davis.

MS. FABINSKI: Who?

MR. WITSAMAN: The reporter.

MS. FABINSKI: Why don't I just read the articles on the Net, they're there? I want to see if it's published in the paper.

MR. del ROSARIO: Do you have the date of that article?

MS. FABINSKI: Well, it would have been right after the meeting.

MR. WITSAMAN: It was the next day.

MR. del ROSARIO: March 3.

MS. GAWLINSKI: It would have been March 3rd then.

MR. del ROSARIO: March 3rd.

MR. WITSAMAN: I don't think it was in the Beacon, was it?

MS. BOLT: No.

MS. GAWLINSKI: I will look through my file of news clips and see what the March 3rd article said as well, but, you know, I can't comment on what someone --

MR. WITSAMAN: Like I said, if that's accurate to my recollection, but I'm pretty sure



that's -- there was something stated to that effect.

MS. FABINSKI: It's hard, Terry, to

even think that -- I know Ken and to even think that he would make that comment is kind of hard to understand because Ken has not been the section chief during the entire time of this site so he would not have known all the things that have been said in the past, okay.

So it seems rather illogical to me, but definitely we'll check the article. I could see if I had said that, okay.

MS. GAWLINSKI: Okay. So the other thing was -- all right. I said that the responsiveness summary would be made available along with the Record of Decision and, of course, that will be sent to the repositories, to all the TIC members, and there were a bunch of people that requested a copy of it at the March 2nd meeting so all of those people as well will get a copy.

MS. RULEY: Denise, that's going to be released simultaneously?

MS. GAWLINSKI: Yes. Yes. That's the way the Superfund process works, that's in

the guidelines that you release the  
responsiveness summary along with the Record of  
Decision as a package. It's a stand-alone

document but they come out together.

I had one other thing I wanted to bring up and that is I had requests from Doug's firm for copies of all the comments that we received during the comment period, and I was talking to Chris Borello yesterday and I made the offer to her -- I offered to make copies for her, and I wanted to see if Lake Township or any other organizations would like copies of all the comments we received?

MS. RULEY: Yes.

MS. GAWLINSKI: Yes? Okay. And I will send a set to Chris, is that sufficient?

MR. WITSAMAN: Could you send one to me, too?

MS. GAWLINSKI: A separate one?

MS. FABINSKI: There was a physician who was spoken about at the public meeting by one of the female speakers, and she said she had a petition on the back table. I don't recall if she actually spoke the physician's name, does anybody remember that at all?

MS. GAWLINSKI: Physician? In  
regards to -- it would be in the transcript.

MS. FABINSKI: See, I didn't see it

in the transcript. I think she may have -- she said her physician signed it as the first person.

MS. GAWLINSKI: The young girl --

MS. FABINSKI: The lady that was going to do this whole study, and I've never heard any follow-up from that, I never received --

MS. GAWLINSKI: I sent you a packet of the petitions.

MS. FABINSKI: That wasn't the one.

MS. GAWLINSKI: That wasn't the one?

MS. FABINSKI: Does anybody know the status of that?

MS. BOLT: You mean the one that was the nurse and was going to do the cancer --

MS. FABINSKI: No, no, that's different, I know her. No, this is the young lady who said her son had burns from the water and her physician said it was directly related and she wanted to start a petition --

MR. WITSAMAN: She lives down --

MS. FABINSKI: -- and her physician

has signed it, we never received that petition,

has Stark County ever received it?

MR. FRANKS: No.

MS. FABINSKI: Have you?

MS. RULEY: I have never seen it, no.

MS. GAWLINSKI: There was a petition  
that I thought she had started --

MS. FABINSKI: That wasn't it.

MS. GAWLINSKI: -- and I made copies  
of that but that's not the one? Okay.

MS. FABINSKI: (Shakes head from side  
to side.)

MS. RINEHART: Chris knows. Chris  
knows. We were just talking about that woman  
last week, she knows who she is.

MS. FABINSKI: Is that petition going  
to be submitted to any agency?

MS. RINEHART: I don't know anything  
about the petition, but I just know that Chris  
will know who that lady is.

MS. BOLT: We can follow up and try  
to find out who it is.

MS. FABINSKI: Because it has to go  
to the correct agency so it either needs to go to  
Stark County State Health or us.



MS. GAWLINSKI: Okay. Well, at this point I just wanted to open it up to other members of the TIC, if anyone has any issues to

bring up at this point?

MS. RULEY: With procedure?

MS. GAWLINSKI: Well, yeah, with procedure or if there's something else that you wanted to bring up at this point.

Like I said, the purpose of getting together tonight was just kind of to reconvene, get together and set the stage for the next meeting when we'll have technical things to discuss, so if there are any other questions or issues about procedure or something else that anyone wanted to bring up, otherwise we can just discuss the timing of the next meeting.

MS. RULEY: I thought we were going to talk about monitoring wells.

MS. BOLT: If he's got 95 percent ready to go, are we going to have a TIC meeting in time that anything at all we would say would have any affect what he's doing, any effect on what his decision is going to be?

Is it going to be, you know, like a Record of Decision today and that kind of thing

or --

MS. GAWLINSKI: Ross, did you want to  
answer that.

MR. del ROSARIO: Well, the normal protocol is that we will send the TIC members a draft document for review, give them 30 days and we hold a meeting to discuss the matter.

MS. BOLT: Well, I read the days can be variable, so how variable?

MR. del ROSARIO: What we're planning to send you folks or send to the TIC group members is a draft design --

MS. BOLT: With 30 days?

MR. del ROSARIO: -- with revisions. Well, 30 days to review it, then we're going to be discussing it, we'll hold a meeting.

MS. BOLT: Okay.

MS. FABINSKI: What is going to be -- what have we reviewed from the design so far that is still intact and what are the remaining design elements that the TIC still has to review? I'm assuming one is the cap and the other would be a monitoring plan, am I correct?

The methane venting design has already been reviewed by the TIC, correct?

MR. del ROSARIO: Yes, up to the 95 percent.

MS. BOLT: That -- that's never been

approved at all ever?

MS. FABINSKI: The methane venting system?

MS. BOLT: From what I've read it really hadn't been approved like the SAB wanted it done or those kind of things, you know, is it just --

MS. RULEY: I guess -- I think maybe what they're saying, is the same system that was put in as an emergency system 12 years ago?

MR. del ROSARIO: I don't believe so. The original concept is to expand the existing methane venting system to capture the --

MR. WITSAMAN: Go on what Norma said. You said it's standard procedure to release the response to the comments with the Record of Decision at the site or any site?

MS. GAWLINSKI: Yes.

MR. WITSAMAN: Well, I'd like to make a motion that I don't want you to do that. That's total contrary to the spirit of public input. The township just submitted to you, you

know, a whole gobbledygook of information, and if  
you arbitrarily release the Record of Decision  
the same time you answer the public comments

there's no chance for us to respond to your comments -- or to your comments on our comments.

You know, it's -- what's the purpose of the comments if you just take them and then you release the Record of Decision.

MS. GAWLINSKI: The purpose of the comments is for the agency to look and see if there are issues that -- and new information that we are not aware of.

MR. WITSAMAN: Changes in Record of Decision, so if you release a Record of Decision that means you're not going to change it. You've already said you're not going to change it.

MS. GAWLINSKI: That will incorporate any changes that have been made in response to the comments.

MR. WITSAMAN: I would like to see if you release your responses to the comments before that because I would like to know what those comments are so we can get some indication if you even are going to change anything in the Record of Decision.



MS. FABINSKI: Wait, let me  
understand you. Is there going to be a new  
Record of Decision or --

MS. GAWLINSKI: Yes.

MS. FABINSKI: It's actually going to be called --

MR. del ROSARIO: It's going to be an amendment.

MS. GAWLINSKI: Yes, it's a new Record of Decision.

MS. FABINSKI: It's an amendment to the existing Record of Decision, correct?

MS. GAWLINSKI: Right, it's a -- right but it's a new -- are we playing with words here?

MR. THURLOW: Do I get to talk? I'm one of two people.

MS. GAWLINSKI: It's an amendment to the Record of Decision so it's a new Record of Decision.

MR. THURLOW: Right, it's a new -- it's basically a new Record of Decision, it will incorporate much of the old and then it will have parts of it that are new.

MR. WITSAMAN: That's why you have to

have the public comment period, because you're proposing amendment to the original Record of Decision. I don't like and I don't think the

public likes and I think the township would agree with me that I don't think you should be releasing your response to the public comments the same time you release this Record of Decision. It's -- that's -- because that's not the process. You practically muzzle the public because legally you don't have to consider anything after that that we say.

MR. THURLOW: Well, I mean --

MR. WITSAMAN: Isn't that true?

MR. THURLOW: Well, the point is not to have a debate to go back and forth. We could go back and forth for a long time. I think the point of the public hearing was to solicit the public's comments. We got the public's comments. Now, the agency has to sit back and say, Do any of these comments warrant changes in the record -- the proposal that we have made, and EPA will come out with a decision and explain either why we decided to keep with the proposal that we have made or whether we've made changes in it as a result of the comments that we've

received.

MR. WITSAMAN: Right, but if there is  
no changes then that Record of Decision is

signed, that's effectively the end of it.

MR. THURLOW: That's right. The end of it in the sense -- in the sense of what's the administrative record for the decision. The administrative record for the decision are the comments that have come in from the public and presumably -- I mean, the public has heard what the proposal is we've made and they've, they've made whatever comments they wanted to on it.

MR. WITSAMAN: Right, and if we think at that point, if we get to see your response to those comments and if we think that you're arbitrarily going ahead without -- we don't think you're really taking into consideration good scientific comments based on reviewing evidence then we have no recourse after that point; isn't that correct?

MR. THURLOW: Well, resources, you can still --

MR. WITSAMAN: Other than to sue the agency.

MR. THURLOW: You can still send

letters into the agency. We don't throw them  
away.

MR. WITSAMAN: You know that sending

letters to the agency --

MR. THURLOW: What difference does it make if it's the comment? I mean, it's still going to be in the file. I mean, the --

MR. WITSAMAN: It doesn't matter because the law is written and you know it's written that you only legally have to consider the comments before that Record of Decision. Once it's signed it's over.

MR. THURLOW: Legally consider it means what? We have to give a response to people on all significant comments and that's what we do, but as a matter of practice, after the public comment period is over, if we receive significant things from the public we provide responses to that, too. I mean --

MR. WITSAMAN: You might provide a response but you don't have to change the Record of Decision.

MS. GAWLINSKI: You guys, one at a time.

MR. THURLOW: Letter after letter



after letter, response after response after  
response, that is well after the public comment  
period ended on the original remedy, so the

dialogue continues, it's just in a different form, that's all.

MR. WITSAMAN: Well, yeah, at that point it's just rhetoric, it doesn't mean anything.

MS. FABINSKI: Well, is the process one that EPA must have a hundred percent concurrence by every community person and everybody who works for every single agency that looks at the document? I don't think that's what the intent is.

Even when my agency puts out a study protocol for an epidemiological study, okay, it is reviewed, it has peer comments, we address those comments, but if we think that we're getting some comments that really are, are not significant or actually wrong in their interpretation, then we will respond to those, but we will go along with our study design because we have the right to make that decision.

Once the study is completed and the results are published, we're always going to find

somebody who's going to poke a hole in it, okay.

MR. WITSAMAN: There's things to  
consider and that is that Bob Martin and Hugh

Kaufman have been investigating an investigation and if after -- if that Record of Decision is released before their report is released, there again what changes will be made?

MS. FABINSKI: Tim can answer that.

MR. THURLOW: Well, I mean, our position is that look, when a Record of Decision is issued it is not written in stone -- it's not on Mount Sinai or something, it's there and we can never change.

MR. WITSAMAN: It's a legal document.

MR. THURLOW: Sure it's a legal document but it's a legal document that can be changed.

MS. GAWLINSKI: That's what we're doing now.

MR. THURLOW: If something would come along later where Bob Martin or Hugh Kaufman was to issue a report that suggests that there needs to be some changes in the remedy and if EPA were to agree that indeed there should be, well, then we'd go through a process to change the Record --

that Record of Decision, I mean.

MR. WITSAMAN: So if we think that  
your response to the comments when you issue a

Record of Decision, let's say you don't change anything and we think that you're not -- by not changing -- by going ahead with what's already been suggested by U.S. EPA at this site, which is natural attention, geosynthetic liner, we'll go with that, and if we don't think you have considered comments that have scientific merit, then you're going to say if we reiterate that, then at that point you will consider it after the Record of Decision has been made?

MR. THURLOW: Consider it, we will always consider public statements that come in in the mail.

MR. WITSAMAN: But you don't have to.

MR. THURLOW: We don't have to.

MR. WITSAMAN: That's what I wanted to hear you say, you don't have to after that Record of Decision is made.

MR. THURLOW: When you're talking about receiving comments before the decision is made, I mean, EPA can very well with those -- let's be frank about this, EPA can take those and

say, Well, thank you very much for your comment  
but we don't agree with it.

MR. WITSAMAN: Do you know what I'm

saying, that because the Science Advisory Board made suggestion to the U.S. EPA when they come to town, you didn't care about those suggestions so why would we think you're going to do it after the Record of Decision.

MR. THURLOW: Well, carry out the suggestions, I would say we carried out -- I would say we carried out quite a few of those suggestions.

MR. WITSAMAN: But not all of them, did you?

MR. THURLOW: Depends on what you're talking about.

MR. WITSAMAN: Radioactive testing.

MR. THURLOW: I'm not quite sure what your point is.

MR. WITSAMAN: My point is, if you issue the Record of Decision the same time you issue your responses to the public comment, there's no opportunity after that point legally for us to respond to you. You don't have to consider nothing after that.



MR. THURLOW: But what were you considering before? All that -- the only difference is is that we're not going to have a

second responsiveness summary, we're not going to have another document that comes out.

On the other hand, you'll probably have correspondence back and forth with the agency which is -- suppose you were to send us a letter after the decision was made and you said, Well, we disagree with your response to our comments. I mean, we think that you discounted certain things in our comments and here they are. So what is the agency going to do with that?

I mean, basically what will happen is the agency will send you a letter back with the response to that and it will be a letter, it will be, you know, a public document. I mean, obviously it won't be in the responsiveness summary.

I mean, so -- at some point or other you have to have a point of which you make a decision and we have decided -- I mean, the process of Superfund is one in which you have a public comment period where the public gets its

chance to comment and EPA always issues its responses at the time that the decision is made.

MR. WITSAMAN: Could you check to see

if that were the case for the original Record of Decision at this site?

MS. GAWLINSKI: I will check but I'm sure it was because that's the way it is at every site.

MS. FABINSKI: Right. I will also tell you that it's just not EPA that -- they have the final legal responsibility for making this decision and implementing a remedy because they have the risk management decisions that they make and they're responsible for that, but there are other agencies that have looked at what they've said and have looked at what CCLT has said and has looked at what other people have commented about and ATSDR has come out publicly with documents that says --

MR. WITSAMAN: That's not true.

MS. FABINSKI: -- that says we support the fact that the site should move ahead, that the cap should be installed and a monitoring plan needs to be developed, that was our bottom line.

MR. WITSAMAN: Do you know what,  
Louise, at the meeting that ATSDR had in  
Uniontown that you didn't attend, I talked to the

people at that meeting, they were very adamant in stating that the only thing they were considering was the information that U.S. EPA gave them and nothing else. They didn't consider any of the public comments.

MS. GAWLINSKI: I think they were talking specifically about the last round of sampling, wasn't that?

MR. WITSAMAN: Pardon me?

MS. GAWLINSKI: Weren't they talking about the two health consults?

MR. WITSAMAN: Right.

MS. FABINSKI: Terry, no, no, that is -- no, I didn't attend that meeting because I had a niece who was having major surgery and a mother who was in the hospital, okay. Number two --

MR. WITSAMAN: I'm not faulting you on that. I'm faulting your agency for what they said.

MS. FABINSKI: No. There was a meeting that we held with U.S. EPA where we went

over -- we had four groundwater experts or five who went over all of this data, I was present at that meeting, okay. I read the consultation that

was prepared for us on the last groundwater sampling by ODH and was -- Ohio Department of Health, and was reviewed by ATSDR, Doug Gouzie and a staff of people.

I've also talked to Doug Gouzie on a daily basis about what our agency's position is, and we do not take one groundwater round of sampling and look at it as a snapshot. That was considered in the context of all the groundwater sampling, both monitoring wells and residential wells, that have ever been done at this site.

MR. WITSAMAN: I know what the people at that meeting said and that's not what they said. They said we will only consider U.S. EPA's information in making our decision on --

MS. FABINSKI: No, that is -- then you have misinterpreted --

MR. WITSAMAN: And I have witnesses that every one of those stations that that's what they said.

MS. FABINSKI: No.

MR. WITSAMAN: Yes. You weren't



there so you don't know.

MS. FABINSKI: That was not what was  
said by the agency. The written document is what

stands for the agency and the agency has been reviewing material from this site since 1983 --

MR. WITSAMAN: I have the written document. It's pretty poor.

MS. FABINSKI: -- since 1983 and they have taken the groundwater samples and looked at them in the total context of that site. They've looked at groundwater flow of direction, they've looked at core sampling, they've looked at radiation sampling, they've looked at soil sampling, they've looked at methane vent sampling, they've looked at soil gas sampling both in monitoring wells and in homes. They've looked at blood test results.

I'm trying to think of all the other things we've looked at, okay, and our final decision is is that the site should move forward, a cap should be installed and a monitoring plan developed, that's the final agency position.

MR. WITSAMAN: Did you look at what the township produced?

MS. FABINSKI: We will look at that.

MR. WITSAMAN: Did you look at it?

MS. FABINSKI: We will and are  
looking at it. It just got sent out, Terry.

MR. WITSAMAN: But everything that was said at that meeting and everything that's been said previously -- there was things, for instance, on changing the cap on this, they wanted to change the geosynthetic liner, there was a letter in the repository that said the long-term effectiveness of that original cap style, that kind of cap is the most effective.

Since natural attenuation, if that's what the end would be -- would end up being, that kind of a cap would be more protective of the health and keeping the constituents of the landfill bleaching out then changing it to a geosynthetic liner.

MS. FABINSKI: The agency -- our agency does not determine the type of cap. Our agency has said, and I will reiterate this message again, that a cap should be installed on the landfill, that the site should move ahead and there should be a monitoring plan decided upon.

MR. WITSAMAN: If you put an umbrella on it that's satisfactory, that's what that

doctor said. So I said, You're satisfied with any cap? He said, Yeah, it doesn't matter to us. That's what your employee told us.

MS. BOLT: One of the other guys said, Well, we're really only considering -- what was -- the amount that was given to us as far as looking any deeper into the whole thing, they didn't, they couldn't respond to anything beyond.

MS. FABINSKI: Okay. Norma, that -- let me respond to that. I think I know what you're getting at. Chris Borello -- Dr. Maureen Lichtveld, who was the acting deputy of our agency, had a conversation with Chris Borello, Chris said, I want all of this stuff looked at again, and Dr. Lichtveld said, Send in the list of what you want.

Chris sent in a list that said she wants everything that we ever reviewed reviewed all over again, we want groundwater reviewed, we want radiation reviewed, we want core samples reviewed, we want somebody to check with the Army to find out about this, we want this done, we want this and we want this done.

Our agency made a decision that we are standing by the things that we've said in the

past because we did not get significant information for us to go back and rereview all of our old opinions.

What we did agree to do were two things, one, to look at the new groundwater sampling and to look at the monitoring plan that was going to be developed after the cap was put on. That's what we agreed to do and that was not satisfactory to CCLT, so I think that's where you're getting the idea that we didn't look at anything else. For that particular meeting --

MR. WITSAMAN: You're wrong.

MS. FABINSKI: -- we've looked at it in --

MS. GAWLINSKI: Do you know what, can I butt in for a minute. Tim Thurlow would like to add something.

MR. THURLOW: Let me make one comment and that is, one of the questions you have to ask yourself what's the purpose of the Technical Information Committee? The purpose of the Technical Information Committee was to provide for public input on the design of the remedy.

Now, you're in sort of an unusual position here tonight because the assumption



before was the remedy had already been selected,  
so the purpose of the TIC was not to then debate  
the remedy, the remedy decision had already been

made, the purpose was to, hey, there's still lots of other important decisions that are going to be made as part of the design and shouldn't the public have some ability to have some input on those, and that's what we envision the TIC still being, it's just that we don't have a decision yet.

So we thought it would be useful to have an organizational meeting here since we haven't had one in a long time, and I think the discussion that we had at the beginning here has been very good, you know, will help make it more efficient when it really does get going. But, you know, you can continue to talk back and forth about, you know, the differences about the remedy and so on, but the main, the main objective of the Technical Information Committee ultimately will be to continue to have some input on the remedy, whatever it is.

MS. FABINSKI: Right.

MR. THURLOW: I mean, if it's finally decided that we're going to go forward with the

remedy that we've proposed or with some changes  
as a result of the public comment or with the  
original remedy. So, I mean, that's, that's the

way we looked at this.

MS. BOLT: Can I say one thing in regard to that?

MR. THURLOW: Sure.

MS. BOLT: If you -- if we have input on what you're decision already is, which is the cap, can we ever be assured you'll look at this which really has compelling science that knocks the devil out of a lot of what you guys have done.

MS. GAWLINSKI: Norma, what is that?

MS. RULEY: Bennett & Williams' report.

MS. GAWLINSKI: That was submitted to the --

MS. RULEY: At the township meeting. She has a partial copy of it.

MS. GAWLINSKI: Then we can guarantee you that we will look at it.

MS. BOLT: I mean really look hard.

MR. THURLOW: It's part of the public comment period.

MS. BOLT: If it's compelling enough  
you can change your mind.

MR. THURLOW: If that's evidence that

the township has presented and I don't know.

MS. RULEY: It's good, I encourage you to read it.

MR. THURLOW: In any event, it's, it's something that the agency's going to have to respond to and that response will be part of the responsiveness summary.

MS. RULEY: May I -- may I -- who in TIC will have input after they have read this, Ross and who else?

MR. del ROSARIO: I don't know exactly what that document contains. What is it? I mean, what's the gist of it?

MS. BOLT: Comments on the existing public record of the Industrial Excess Landfill. Comments on the existing public record for the Industrial Excess Landfill for the revision of the '89 existing Record of Decision, and it goes in conjunction with Kaufman & Cumberland who are counselors at law, but this was prepared by Bennett & Williams Environmental Consultant, Inc. in Columbus, Ohio. It's dated April 12th, '99.

MS. RULEY: I guess I'm saying -- we  
sent it again -- Denise, you received it.

MS. GAWLINSKI: Yes, you sent it to

me and I in turn made copies for the others and our agency and the state.

MS. RULEY: Because I was wondering who specifically, Ross and who else?

MS. GAWLINSKI: And Larry.

MR. THURLOW: It will depend on what the issues are. There will be a division of labor as to, you know, what's involved in there and answer the question so that you will get a -- you will get an answer from the agency that is the product of probably a lot of different minds that have gone into it, and I can assure you we're going to take this absolutely seriously.

I can't say that you're going to agree with our response to it, but, you know, it's not something that, Well, you know, thanks for your comment but we don't agree with it. It's not going to be that kind of -- supposing that we disagree with the comments or that we've got some issues with it, what I would expect that you will get back from us is an extensive answer from us as to what we think about that comment,



not some kind of an abrupt --

MS. BOLT: It really isn't that  
long. Are you going to address -- can we expect

you're going to address each issue where there really is --

MR. THURLOW: Yes.

MS. GAWLINSKI: Each issue, yes.

MR. THURLOW: Yes, we will.

MS. FABINSKI: But I would reiterate that --

MS. BOLT: In a timely manner?

MR. THURLOW: We're going to try and get this done as fast as we can, but we're going to take the time that is necessary for it, too, I mean. But I can't predict that.

MS. FABINSKI: I have seen my own agency when we do health assessments or tox profiles, toxicological profiles, we get peer review comments. Each one of those is addressed extensively, and at the end of each one of the replies it says we're either going to accept that or we're not going to accept it and it tells you the reasons why.

MS. BOLT: Well, I understand that, but this is one complete document but it

addresses each individual --

MS. FABINSKI: Right.

MS. BOLT: So you will comment on

each of those things, I assume?

MS. FABINSKI: ATSDR won't comment on each of those things because we're not engineering people.

MR. THURLOW: That is part of the public comments period, and the agency will respond to it in detail.

MS. BOLT: And we won't find out until the day of the Record of Decision is issued?

MR. THURLOW: That's right, you won't find out about it until the Record of Decision is issued. If you decide, well, okay, look at this response, I don't think it's adequate and there are parts that I don't like, well, you can certainly write a letter back to the agency pointing that out to us and you'll get another response from us so that the debate can continue I suppose via correspondence but --

MS. BOLT: What if we place a telephone call and ask your ideas on it, would you be forthcoming in what you are thinking ahead

of the release of --

MR. THURLOW: Ahead of time you  
mean? Well, probably not because, because, you

know, what's our position on it? Who are we going to call? I tried to explain that.

MS. BOLT: I understand there are different entities.

MR. THURLOW: This is a group effort, I can't speak for the group on the phone. Who do you talk to?

MS. BOLT: Well, what if I wanted to call and ask for a particular department? You can't get any answers ahead of time, what you even think about this? It's so -- it really is compelling.

MR. THURLOW: Well, you know.

MS. BOLT: It would be dirty pool not to look at it good and not answer about it.

MR. THURLOW: But I'm trying to -- what you are aiming at is something I'm trying to convince you --

MS. BOLT: I know.

MR. THURLOW: There's another way to handle it and that's the way we're handling it.

MS. BOLT: After the fact.

MR. THURLOW: But my final point is simply the one that a decision of some kind is going to be made and whatever it is, EPA still

believes there is a role for the Technical Information Committee and what that's going to be is having input on whatever parts of the remedy is still --

MS. BOLT: Sort of like a little oversight committee.

MS. FABINSKI: Also, Norma, the site doesn't stop once a remedy is implemented.

MS. BOLT: I know, but there are some things -- such a waste of money.

MS. FABINSKI: No. Monitoring data has to be reviewed on a routine basis, that's going to be talked about in whatever plan we develop. We have to do a site review of the data, Ohio EPA is going to have oversight of some of the things.

Nobody -- there's an impression that people think that EPA slaps on a cap and they put in some monitoring wells and they never do anything else. That is not true.

MS. BOLT: That's not a --

MS. FABINSKI: Back when be talked



about doing the monitoring plan, and Larry and the group have talked, if there are any hints that give us an impression there's something

going on here that we didn't anticipate, EPA has never said they're going to totally refuse doing groundwater treatment. What they said is is that they think they can put a cap on and it can be monitored, but if there is some compelling public health reason we would be there yelling at them. We yelled originally about vinyl chloride in wells, okay, and they were cooperative about that.

I have seen at other sites here in Ohio, Fields Brook site, where there was a problem that they discovered some additional contamination, bingo, they were out there right away and that ROD had already been signed, nobody thought that contamination was there, okay, and it was I think an Ohio University professor that came up with the idea that this other testing should be done and sure enough, so they went out and they took care of that.

MS. BOLT: Can I call you and see what your response is on that ahead of time?

MS. FABINSKI: Our response is at

this point --

MS. BOLT: Ahead of the  
recommendation?

MS. FABINSKI: Our response is we support the fact that the site should be remediated, that a cap should be put on --

MS. BOLT: I'm not saying that.

MS. FABINSKI: -- and the groundwater needs to be --

MS. BOLT: I'm asking can I get your response --

MS. FABINSKI: We will look at the report.

MS. BOLT: -- what your feelings are?

MS. FABINSKI: I haven't read it yet, okay.

MS. BOLT: I know. I'm saying, can I call you and ask you, What do you think about that? Can I get an answer like that?

MS. FABINSKI: I think we should consider maybe putting that as a decision for the TIC, that all the agencies do that if that's what's compelling to the township, that people discuss this report.

MS. RULEY: There are a lot of issues that were brought up in there we don't think have been governed.

MS. FABINSKI: And I would suggest that the TIC have a meeting to discuss that.

MR. WITSAMAN: Before the Record of Decision?

MS. FABINSKI: That's not my decision. I can't hold up a Record of Decision, no, but I think if it's compelling enough to people that they feel that that report should be publicly discussed, then I would recommend that it be publicly discussed.

MR. WITSAMAN: Did you mention the core samples?

MS. FABINSKI: Please?

MR. WITSAMAN: Didn't you mention core samples?

MS. FABINSKI: Yes, and we wrote a consult on that.

MR. WITSAMAN: When did they do them?

MS. FABINSKI: We wrote a consult saying that core samples were not necessary.

MR. WITSAMAN: They were not

necessary?

MS. FABINSKI: They were not. In  
that consult we made a decision that you could

test for the radiation by doing groundwater sampling, that was the decision that we agreed with.

MR. WITSAMAN: Can I ask Ross something? Did you attend the conferences in the fall of 1998 on implementing natural attenuation for Region 5?

MR. del ROSARIO: I attended a '97 training class, a one week training class in natural attenuation that was taught by the folks from our Ada, Oklahoma office but not the '98.

MR. WITSAMAN: Okay. Well, 1998, according to U.S. EPA's own Internet site, they had seminars on natural attenuation for every region of U.S. EPA in the entire country, and when I gave my public comments, you know, at that meeting, a lot of the comments that were made were based on protocol on implementing natural attenuation at that seminar.

There was a handout at that seminar that was like this thick and that was EPA -- that's EPA's policy what they want you to do to



implement natural attenuation, characterize the site, how you evaluate the site, how you would put in wells, so forth, so on. I mean, you can

look at -- I'm sure you have it, someone has it.

MR. del ROSARIO: I'm sure somebody's got it.

MR. WITSAMAN: What I would like you to do is I would like you -- and I can comment on that in my public comments, I would like you to get a hold of that seminar handout and look at that seminar handout and then I want you to tell me if you follow what U.S. EPA in Washington recommended on implementing natural attenuation.

MR. del ROSARIO: What date?

MS. GAWLINSKI: Is it in the public comments?

MR. WITSAMAN: Pardon me?

MS. GAWLINSKI: It's part of your public comments, right?

MR. WITSAMAN: But I didn't get the web site, and the Canton Repository reporter was supposed to bring all that stuff here, I gave him these documents. I can give you the web site, you know, from U.S. EPA Washington.

MS. FABINSKI: We got it.

MR. WITSAMAN: And you can review  
them, but I'm telling you that if you look at  
that handout from that seminar of what U.S. EPA

wants you to do to evaluate the site and implement monitored natural attention whether it's taking place at the site, so forth and so on, I'm telling you that you haven't done it, and if you review those documents someone in Region 5 went to that seminar because they had them in every region.

MS. GAWLINSKI: It was part of your public comment, right? I remember you bringing this up so we will --

MR. WITSAMAN: No, I want him to look at the entire seminar handout, not just my public comments.

MS. GAWLINSKI: You mentioned it in your comments.

MR. WITSAMAN: Yeah, I mentioned it but in order to -- I want you to get the exact specific thing so if you would.

MR. del ROSARIO: Well, give me the information.

MR. WITSAMAN: It's on the web site, that's all I can do because that's where I got

it.

MR. HAYNAM: In our comments there's  
a citation to the guidance and we address the

guidance, that's in the public comments as well.

MR. WITSAMAN: Based on that document? Well, I wanted Ross to review this document.

MR. THURLOW: Didn't LuAnn say she was one of the instructors for that?

MS. GAWLINSKI: I'm sorry?

MR. THURLOW: I thought LuAnn Vanderpool said she was one of the instructors for that.

(Discussion was had off the record.)

MS. RULEY: Did I hear you say --

MS. GAWLINSKI: Can you repeat that?

MS. RULEY: I would like Larry Antonelli to have a copy of Bennett & Williams' report, and I guess my question will be --

MS. GAWLINSKI: He has not yet but he will. I've been sharing all the public comments that U.S. EPA receives with Ohio EPA and there's a last bunch of them that came in right at the end that I still need to get to Larry.

MS. FABINSKI: I would still like to

propose that that be supplied to every one of the  
TIC members.

MS. GAWLINSKI: What?

MS. FABINSKI: That report.

MS. GAWLINSKI: This report?

MS. FABINSKI: Yes. Not the legal one, not the one that talks about the law because that's really not everybody else's.

MS. BOLT: There is just science.

MS. FABINSKI: The technical one I'm talking about.

MR. WITSAMAN: This one has to go with it.

MS. FABINSKI: But we don't have an opinion on the law, that's not what our function is.

MR. WITSAMAN: That is not law, talk to the township trustees. This is a public comment.

MS. RULEY: It's the cover comments for Bennett & Williams.

MS. FABINSKI: Oh, okay, if it's cover comments for that, okay. But I would really suggest, they went through an expense to do this, it was late in the process I understand,



but they didn't have the money before. It's a courtesy to another TIC member, it doesn't hold up the ROD process, and I think we deserve to

have a good discussion about it.

MS. GAWLINSKI: We can definitely do that, and I think most people have received it anyhow, but you have a copy. Do you have a copy of this report?

MS. RULEY: I have a copy? Not with me.

MS. GAWLINSKI: But you do?

MS. RULEY: Oh, yes.

MS. GAWLINSKI: CCLT does, I'm providing the PRPs copies of all the comments we've received so they will get a copy, Ohio EPA has it and --

MR. FRANKS: Which report?

MS. GAWLINSKI: Stark County would like a copy of this report.

MS. FABINSKI: Denise, every TIC member should get a copy.

MS. GAWLINSKI: What I'm saying is that most of the TIC representatives are here. Okay. So we can provide you a copy.

MR. FRANKS: Well, the township could

just as easily.

MS. BOLT: So if you'll provide me  
with --

MR. WITSAMAN: Make sure -- this one is dated April 11th, so.

MS. GAWLINSKI: And that was submitted along with the bound report?

MR. WITSAMAN: They were submitted separately but this one says, Enclosed -- you have it, Enclosed is the administrative records for the Industrial Excess Landfill.

MS. RULEY: They were --

MS. GAWLINSKI: Terry.

MR. WITSAMAN: Yeah, this one was dated April 11th and it says, Dear Miss Gawlinski: Enclosed are the administrative records for the Industrial Excess Landfill Superfund site and comments from the Board of Lake Township Trustees and accompanying documentation, which this will be.

MS. GAWLINSKI: Okay. Okay.

MR. WITSAMAN: I mean, you got to have both of them to get the full effect of this.

MS. RULEY: They were sent separately because of time restraints.

MS. GAWLINSKI: I've been --

MR. WITSAMAN: Chris, you know, isn't  
here tonight but she didn't want anyone to think

she wasn't thinking of them so I have that letter that she sent you.

MS. GAWLINSKI: About tonight's meeting? Yes.

MR. WITSAMAN: So if I could, tonight I'd like to read it into the record.

MR. HAYNAM: Just give it to the Court Reporter.

MS. GAWLINSKI: You can either -- but for the benefit of those, if you would like to hear it now instead of when you get the transcript you're welcome to read it.

MR. WITSAMAN: Okay.

MS. RINEHART: Can I have a copy of this? I don't have a copy of this.

MS. GAWLINSKI: Of that report?

MS. RINEHART: Yes.

MS. GAWLINSKI: Before you do that, Terry, let's make sure we get this straight. I need to supply Bill Franks with a copy of it along with all the others that already will be receiving it, and, Fawn, what is your last name?

MS. RINEHART: R-I-N-E-H-A-R-T.

MS. RULEY: I'll get Bill a copy  
tomorrow.

MS. GAWLINSKI: Oh, you're going to get him a copy?

MS. BOLT: I would like one.

MS. RULEY: Two from CCLT, is that it? Are you going to have two copies out to CCLT?

MS. BOLT: This is Chris' copy but she's --

MR. HAYNAM: Denise, you're going to send us copies of all the letters?

MS. GAWLINSKI: Yes. My point, Louise, earlier is most of these people are getting copies of all the comments already so this document -- both documents will be included in that. So I want to see above and beyond that what I need to do, and right now I have Fawn Rinehart and Norma Bolt to receive a separate individual copy of that report. Okay. I think we're set.

MR. WITSAMAN: I want to read this.

MS. GAWLINSKI: Yes. Terry, if you want to read Chris' letter.



MR. WITSAMAN: This is to Denise  
Gawlinski, is that how you pronounce it? U.S.  
EPA, Region 5. "This is in response to your

letter announcing the meeting to be held April 21st in Uniontown. While I intend to maintain my seat on this committee, I unfortunately will be out of town. Therefore, Terry Witsaman, a board member of CCLT, will take my place on Wednesday.

I haven't spoke to Herb Kohler yet about whether he is able to attend, and if he cannot either Norma Bolt or another CCLT member will take Herb's seat.

You stated that there will be new faces on the committee. Please immediately fax us a list of the people who will be on the TIC. Regarding those new faces, who picked them? We may have a problem with that if, in fact, we perceive any further stacking of the deck.

Indeed we were already tricked into going with PRP's attorneys on this committee in the beginning, which was totally unfair and extremely intimidating to not just CCLT members but to other members as well. We were told this in confidence, even by agency people, as well as witnessing the reluctance to speak freely at many

of the TIC meetings and even what they perceived as receiving veiled threats when they did speak out.

In addition, any changes in the ground rules will be opposed by CCLT if there is any attempt to limit individuals time-wise discussing any given topic. This move to limit us was already tried in the past by EPA and we won't tolerate it, given that the Ohio EPA, ATSDR and certainly the polluters and U.S. EPA have many opportunities to discuss IEL at conference calls away from public scrutiny. Not to mention the closed-doors discussions that have gone on over the past several years leaving the citizens out in the cold while Ohio and U.S. EPA polluters' attorneys took their good old time getting the IEL cleanup Record of Decision behind our backs in secret meetings in Federal Court.

Finally, for the record we are vehemently opposed to this railroading of the reopening of the IEL cleanup. By calling a meeting to discuss the proposed monitoring plan presumably to discuss the natural attenuation, quote, plan laid out by the polluters once they take control of IEL, Region 5 is clearly

indicating to the public that it has no intention  
of really listening to any of our formal  
comments, regardless of their validity or the

strength of case made in those comments by many individuals and eyewitnesses who have even submitted notarized statements of seeing many Army trucks and radiation symbols at IEL.

If you really wanted community participation and input, Region 5 would have held this meeting many months ago, years ago in fact and certainly long before the formal comment period was launched in January.

Instead EPA suspiciously fast tracked this legal comment period almost immediately after EPA emerged from behind closed doors and from hiding behind a verbal gag order. By having this meeting after the fact, after the comment period and not before, it only reinforces the belief held by many that this is not just a formality, just going through the motions in tossing us this crumb before signing off on the consent decree, if you haven't already.

We can't help but wonder if Region 5 will now relish coming back into town to rub our faces in what's left of the so-called IEL cleanup

that we have fought 15 and a half years for,  
mocking us right down to the bitter end now that  
EPA has succeeded in pulling this off, managing

to cover up the truth at Uniontown IEL forever.

Yours truly, Chris Borello, president  
of CCLT. Copies to Bob Martin, Sawyer -- or  
Congressman Sawyer and Regula and POGO, AFSC,  
Lake Township Trustees, public."

MS. GAWLINSKI: Is that an extra  
copy? Can I give this to the Court Reporter?

MR. WITSAMAN: It's the only one I  
got but go ahead.

MS. GAWLINSKI: Thanks for reading  
that into the record. Because at this point I'd  
like to try to wrap things up. Sue, do you have  
something?

MS. RULEY: Yeah, I wondered are we  
not going to discuss monitoring wells? I was  
lead to believe that we were going to discuss  
monitoring wells, but this will not be  
discussed?

MS. GAWLINSKI: Monitoring wells, no.

MS. RULEY: That was in the letter  
that came out.

MS. GAWLINSKI: I think, you know,



that might have been my mistake. In general I was thinking of the kind of information that Ross presented at the public meeting, but, no, there's

nothing specific, there's no specific new draft plan to discuss at this point.

Like I said, we really wanted to kind of set the stage for the future, the next meeting, which is actually the last thing on the agenda, to discuss the timing of the next meeting at which I assume, Ross, we will be talking about things like monitoring wells?

MR. del ROSARIO: Yes, we will.

MS. GAWLINSKI: Okay.

MS. FABINSKI: Could I -- again, I have to ask a question here, okay. When do you think you're going to have a draft plan for monitoring wells, and remember, it needs to be sent out 30 days ahead of time?

MS. GAWLINSKI: Right. That's what we're going to discuss right now as far as the timing of the next meeting.

MS. FABINSKI: Well, it seemed to me that their report is probably the agenda item for the next meeting, and if this report is as significant as they say I would think a fair

amount of time would be spent on talking about  
that report.

MS. RULEY: I think --

MS. GAWLINSKI: How did others feel about that?

MR. HAYNAM: I don't want to talk about that report at this TIC meeting. I think the agency ought to respond to the comment and that's -- that's where we are. If you want to talk about technical comments that are submitted, you know, we got a technical document that --

MS. GAWLINSKI: I was just thinking that we have to be fair because we have lots of documents that we received during the comment period.

MR. WITSAMAN: Can I make a suggestion?

MS. GAWLINSKI: Yes.

MR. WITSAMAN: We have to talk about technical comments of Doug's companies that he represents generated investigating the site so why can't we talk about technical issues the township generated after they investigated the site, Doug?

MR. HAYNAM: Well, I don't think

either of those are appropriate for this group to talk about. I think what we ought to do here is project -- I think it's impossible for us to set

a meeting right now unless you're going to give me a date when you're going to have a new Record of Decision.

I assume you're not going -- begin the design work until after the Record of Decision is filed, so I would suggest we're at least the 60 to 90 days away from being in a position to even schedule our next TIC meeting if I understand the process that's going to go forward.

MS. FABINSKI: I vehemently disagree with your opinion about not discussing it. If you don't want to attend the meeting or make comments, that's fine, you can make that decision, but I think out of respect for this community and out of respect for the government of this community I don't think we can slap them in the face and refuse to discuss their input.

We've discussed ATSDR's input, we've discussed U.S. EPA's, we've discussed Ohio EPA's, we've heard comments from the PRPs, we've heard comments from a lot of people, and at this date

with the limited amount of funds they have you  
want to roll over them and say their comments  
should not be discussed by the TIC? I think

that's --

MR. HAYNAM: That's clearly not what I said. What I said was these were comments submitted on the proposed amendment to the ROD, the appropriate place for those to be considered are by the agency.

If we want to look at technical issues and new technical information, you know, we've submitted a significant body of new technical information and a new technical analysis above and beyond what has previously been submitted or reviewed by this committee or anyone in this room, and if we want to do that we should discuss all of the comments that have been submitted.

And frankly, I don't think that's the role of this committee, I don't think that's what this TIC was formed for. I think what the TIC was formed for was to review design issues following the promulgation of a new ROD, and so my choice, my preference would be that the agency do its job and complete its review of the



comments and following the issuance of a responsiveness summary and a new Record of Decision, at that point we'd have a new design

document I assume for whatever the agency chooses to do going forward and that that would be the next time the TIC would meet.

That's the purpose for which the TIC was formed and that's what the charter calls for, and it's not our job frankly to provide another round of comments on the comments.

MS. GAWLINSKI: Okay. How about -- I mean --

MS. BOLT: This involves this.

MS. RULEY: I can understand where this gentleman's coming from because heretofore EPA has agreed with them. If we can show that their -- what they have done is faulty, it's been faulty information, then I think it is important, and if everyone had been agreeing with the township up to this point I would be saying the same thing he's saying.

MR. HAYNAM: That's not the case. The fact is that the proposed plan is opposed by the companies, we have detailed that extensively in our comments.

MR. WITSAMAN: Do you support the  
proposed comment?

MR. HAYNAM: Absolutely.

MR. WITSAMAN: Natural attention is proposed by --

MR. HAYNAM: The construction of the cap, the construction of the expanded methane venting system are both proposed by the companies. In fact, we think those two parts of the proposed plan adversely impact the ongoing natural attenuation process.

We've submitted substantial technical support for that and if we want to discuss those, that should all be discussed in future meetings, but I don't think that's the appropriate procedural mechanism for this TIC.

MS. GAWLINSKI: Before we start going down that road, I think we should really look at what the role of the TIC is, and in that sense I tend to agree that the purpose of the TIC is to allowing members to review and comment on draft technical documents. However, maybe we can do it in another way, maybe it doesn't have to be a TIC meeting but that we can -- we could meet with the township and others who are interested to talk

about it, but I do think it's not appropriate and  
please, Tim, and others chime in, I do tend to  
agree that if we give -- if we give this report

extra attention then we have to do the same for all of the -- all of the comments that we get.

MS. BOLT: This involves design.

MR. WITSAMAN: Can I say that the original purpose of the TIC, as you said, was to review the design for the original Record of Decision. In a sense all this information generated by the companies is being used to change that Record of Decision, and we need to discuss that because that's what the original purpose of this committee was, was to review the design of the original Record of Decision.

MS. GAWLINSKI: But that would mean that we would have to review all of the comments that we received and have a discussion about them in this format, and I don't think that that's --

MR. WITSAMAN: Well, we can review whatever we choose to review.

MS. RULEY: I'm sorry, we have a member of the TIC committee who is counsel who says it should not be. I have two attorneys sitting out there in the audience, can I ask them

what they think?

MS. GAWLINSKI: Oh, yes, definitely.

MR. CUMBERLAND: Frank Cumberland.

The easy answer is why not? What is anybody afraid of? In having this group review any comments, anything that anybody thinks is important, why not review it ahead of time before it's too late?

MR. THURLOW: It's not -- we don't have to be terribly legalistic. The TIC can be whatever you decide it to be.

MS. FABINSKI: That's right.

MR. THURLOW: Or what EPA has decided or what EPA's original objective was once they have input on the design documents. Well, this is not a design document so this is not EPA's original -- it's not part of EPA's original objective. Now, if you decide you want to nevertheless have the discussion outside of TIC --

MS. BOLT: We've wasted 15 years, what's another year.

MS. FABINSKI: If you look at the intent -- this is not an advisory committee, number one, so this is not a legal committee,



okay. It's called an information, Technical  
Information Committee.

MS. RULEY: No decision will be made

here?

MS. FABINSKI: Right, there's no voting privilege, there's nothing else. We have often tried to have considerate discussions with each other about issues. Sometimes it didn't go so well, sometimes they went rather well, okay. But this is supposed to be a community oriented group.

I have never heard the township ever request, actually ever produce a document, first of all, or ever request that we discuss it, and I think it's a courtesy. Now, if it isn't a TIC meeting, if it's a meeting of members of the TIC and community people who want to gather in this room and discuss this report, I have no problem with it being changed.

MS. GAWLINSKI: That's fine.

MS. FABINSKI: But I think there needs to be this discussion.

MR. FRANKS: I would like to make a comment on that. I don't think we're talking about reviewing the township's comments, we're

talking about reviewing their technical document  
that they -- consulting firm presented.

MS. FABINSKI: Right.

MR. FRANKS: And the consulting firm claims, and like I say I haven't seen it yet, there is new information that has not been tapped yet into this issue, and, you know, I think it's more than a courtesy, I think it's imperative that we review that and if we have to review some of the other technical then we have to do it, that's our mission.

And I'm confused, Louise, by a lot of things I've heard from this thing might as well go out the window because this says, "The TIC is a community advisory body designed to provide early input into the RD/RA planning process,"

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So I guess I'm confused if are we going through the motions or are we really -- "U.S. EPA will attempt to address all comments and include TIC input into its final decisions." So I think if the TIC feels that that -- not their comments or anyone else's comments but that technical report is important enough for us to review, then we should review it out of our unit

of being here or else what we're going to do is  
spend every meeting talking about political  
issues. I think we have to get past the hole

politics he said, she said, we have to get into what we're here for, and this is a good thing to kick it off with, so.

MS. FABINSKI: Could we discuss a date for having a meeting? And I don't care what it's called, I don't care what it's called, let's discussed the report meeting.

MR. WITSAMAN: Before the Record of Decision?

MS. GAWLINSKI: Could this be something that the township would host?

MS. RULEY: We can do whatever it takes.

MS. GAWLINSKI: Or is there -- I mean, what do the others think about it being a TIC meeting?

MS. RULEY: I suspect we'll see essentially the same faces anyway.

MR. HAYNAM: I think since we have such a meeting and there's consultation with agency's personnel, those -- at that meeting and the contents of that meeting would ultimately be

included in the administrative record for the  
ROD, don't you think?

MR. THURLOW: If it's before the ROD

is signed, yeah, I think it would be.

MS. RULEY: I thought only those comments that came in before the end of the public comment period was --

MR. THURLOW: That's right, but now you're discussing -- frankly, you know, my feeling is that we would -- you would have this meeting I suppose after we've made a decision.

MS. FABINSKI: Then I suggest that the township hold a meeting --

MS. GAWLINSKI: I'm sorry, one speaking.

MR. THURLOW: If what you want to have is a chance to have oral discussion of this, of this thing, well, you can have that, but the public comment period is over, Louise, I mean.

MS. FABINSKI: I don't care whether the comment period is over. These people have a legitimate request that they would like the agencies to get together and verbally discuss this. I think that's a legitimate request, and if we can't do it at a TIC meeting I would be



happy to help you set up a meeting where we'll  
have it through the township.

MS. GAWLINSKI: Maybe the township

can set it up.

MR. THURLOW: When is it going to be in -- for example, we won't have -- we won't have a considered response to that report until well into the process I don't think.

MS. FABINSKI: You're looking at it as a legal issue and it is not.

MR. THURLOW: No, I'm not looking --

MS. FABINSKI: It is a human request by an agency to have a discussion of a report that was prepared by them.

MS. GAWLINSKI: How about --

MR. THURLOW: We're not saying we can't have a discussion of it, the question is when is the discussion going to be?

MS. FABINSKI: Well, certainly not for the convenience of U.S. EPA, they can set any time they want to have a meeting and we can go to it or not.

MR. THURLOW: Well, we --

MS. GAWLINSKI: Tim, how about this, we may not be prepared to discuss it, but how

about the township host a meeting where you can  
present it to us --

MS. FABINSKI: No.

MS. GAWLINSKI: -- and go through it,  
would that be --

MS. FABINSKI: No.

MS. BOLT: Do you have any pride in  
what you do to the extent that you would not  
consider something?

MS. GAWLINSKI: No, it will be  
considered, Norma.

MS. BOLT: Oh, no, he wouldn't  
consider it. He is not considering it.

MS. FABINSKI: I think what you're  
asking is is there were some comments made about  
why you don't think a cap should be selected or  
why it should be a different cap or why these  
other things should be done. There is absolutely  
no reason that technical people who have worked  
on this project can't sit there and discuss those  
issues and not have it have anything to do with a  
ROD.

MS. BOLT: That's right, but what if  
--

MS. FABINSKI: That's a professional

discussion, that's it.

MR. HAYNAM: I don't think that's a  
correct statement. I think it's a matter of

law. If this meeting occurs the way that you're discussing it with representatives of U.S. EPA will be involved in the decision-making process associated with the ROD, that there are a couple of things -- there are two things that need to occur.

One is that -- number one, it should be considered in a supplemental comment, taking public comments so that anybody who chooses to participate can participate and submit --

MR. THURLOW: Right.

MR. HAYNAM: -- rebuttal comments or other comments, that's the first thing.

The second thing is the result of that meeting must be included in the final administrative record for the Record of Decision. If the agency wants to do that I think that's --

MS. FABINSKI: That's absolute hogwash. I can go to Hammond, Indiana and I can look at those reports and we can have a verbal discussion and it does not go into any legal

record at all.

MR. THURLOW: If the verbal  
discussion is intended to influence the agency's

decision --

MR. WITSAMAN: My god, the PRPs talk to them all the time and we're never present, no one is present and we don't have -- what do we get? Now, you're complaining because we want them to read, I can't believe it.

MR. HAYNAM: No, Terry, I'm not complaining, all I'm suggesting is if you have such a meeting, that the meeting be open and that everybody be available to make comments and that the results of the meeting must be included in the administrative record.

MS. GAWLINSKI: Do you know what, I was just --

MR. WITSAMAN: That's what we wanted to have when you guys were talking to U.S. EPA behind closed doors all the time. Now we're saying let's try to include Uniontown and the community affected by this when the PRPs are talking to the U.S. EPA and now what you're suggesting because we want to talk to them.

MR. HAYNAM: Terry, I'm telling you



what my understanding of administrative law in  
the United States is and that's, that's -- the  
fact is there is a proposal pending that the

agency is actively considering to the extent that parties are going to be involved in the decision-making process, to the extent there are going to be meetings with representatives of U.S. EPA who are going to be involved in the administrative process.

And, number one, the substance of those meetings and those discussions have to be public and to the extent that anyone in the public wants to respond or comment on those comments, that's legally required until the agency reaches its decision.

MR. WITSAMAN: Well, could we request the same things when you have meetings with the agency?

MR. HAYNAM: Absolutely. During the pendency --

MR. WITSAMAN: When you talk behind closed doors because we would have loved to have heard it from --

MR. HAYNAM: If you'll let me finish. During the pendency of that proposal,

yes, absolutely.

MR. WITSAMAN: We finally agreed on something.

MS. FABINSKI: Terry, I will tell you my agency has meetings with other folks all the time, okay, particularly when we're designing things like epi studies, we talk to health departments about what their role would be, what their input is, what do they think about this, what do they think about that. Sure we keep it in the record, if it gets foiled it gets foiled.

We have no requirement to put anything out publicly, okay. There is no reason I couldn't hold a meeting to discuss this report with you, with you and invite Ross or somebody else to come to that meeting, absolutely none whatsoever because I'm not a regulatory agency.

I will again say I think they deserve the courtesy of having a meeting to discuss that report, whoever wants to attend can attend, whoever doesn't doesn't.

MS. GAWLINSKI: Well, Louise, I was talking to Ross a little bit while you guys were having a conversation, and I think we're all willing to attend a meeting and hear you present

your report.

I don't think U.S. EPA will be in the  
position yet to offer its comments. That will be

done in our responsiveness summary. Tim, am I correct?

MR. THURLOW: If you're talking about any time soon, that's certainly true, yes.

MS. GAWLINSKI: Yes, any time soon. We can attend a meeting and listen to your presentation, which, you know, during which you go through the report and highlight the key issues, but we cannot discuss it because we will -- we're not to that point yet.

MS. FABINSKI: You can discuss technical issues, you can discuss the merits or the nonmerits of a certain kind of a cap, that this one is better at letting water in, this one isn't, that's public information, that's public education.

MS. GAWLINSKI: Louise, it will be discussed and addressed in our responsiveness summary, we're not ready at this point to do that.

MS. FABINSKI: You're not hearing me. You're not hearing what I'm saying to you.

I am not talking about comments, I am talking  
about informational discussion.

To sit down with a contractor or

anybody else to say, This kind of a liner is a good liner, this is a good liner, this is kind of a good liner, this has this positives and negatives, this has this positives and negatives, and this has this positives and negatives, there is no reason why that kind of discussion can't go on.

MR. THURLOW: I don't believe that's what's in the report.

MR. HAYNAM: My point is that you can have those discussions, I don't have any -- I'm not objecting to discussions, but what I'm suggesting is those discussions have to, number one, be public, and, number two, the substance of those discussions must be included in the administrative record.

MS. FABINSKI: Well, I think then we should get a written legal opinion about it.

MR. HAYNAM: Well, believe me, you'll get one.

MS. GAWLINSKI: Tim.

MR. THURLOW: I don't have anything



else to add.

MR. HERBERT: Well, I do. I  
represent the township as well. Are we going to

receive comments from the responsible parties that have been accumulated in the last several years and put that into the record, too?

MR. HAYNAM: Yes.

MR. HERBERT: That's what ought to be done. They're not in the record now and they ought to be included.

MS. RULEY: We're still waiting for some things that we asked, requested, too, by the way.

MR. HAYNAM: I think we've made everything available that's been requested.

MS. GAWLINSKI: Tim, in response to Dave Herbert's question, is everything in the administrative record that should be as far as --

MR. THURLOW: I mean, everything that the agency based its decision on should be, should be in the administrative record, so. I'm not quite sure what comments you're talking about.

MR. HERBERT: I've been trying for the last several months to get copies of whatever

responsible parties have submitted to EPA and I still don't have it.

MR. THURLOW: Copies of things that

we've submitted to EPA, you mean, recently during this public comment period?

MR. HERBERT: At any time.

MR. THURLOW: I mean, did you submit a request for that?

MR. HERBERT: I've requested this, yeah, over the last five months.

MR. HAYNAM: Dave, I provided you with every document.

MR. HERBERT: You told me to access your web site.

MR. HAYNAM: I've provided you with every document that you've requested or directed you to publicly available sources of the information that you're looking for, and if there's something that you didn't get I don't know what it is.

MR. HERBERT: And his office says -- first of all, I have asked his office for those records, Kaufman has asked your department for those records and I have been directed by his office to the web site to the responsible parties

to secure those documents and those documents are not in the web site.

MR. HAYNAM: Well, I don't know what

documents you're talking about, Dave. The document -- you sent me a list of documents that you requested, and the documents that you requested were available on the web site, and that's why I directed you there. If there are other documents that you want that weren't available on the web site, I'd be happy to consider your request for them.

MR. THURLOW: Well, I have, I mean, I've got two responses. One is that Denise has already said that the copies of all the public comments including the PRP's public comments will be sent to everybody, certainly --

MS. GAWLINSKI: The township, CCLT.

MR. THURLOW: -- to CCLT so you'll get all of those. Now, we've been receiving letters from PRPs just as we've been -- we've been receiving letters from PRPs as well as lots of people over the last ten years, if you submit a request to us and ask for everything that the PRPs have submitted to EPA over a period of time, we can produce that, too.

I mean, I would say that, you know,  
that we're going to make a decision in this case  
based on what's in the administrative record, and

that's what Denise has already proposed to disseminate to people.

Now, there can be other things that the PRPs have submitted over the years that we don't believe are relative, and PRPs, if they have not asked that to be made a new comment on this particular decision it wouldn't necessarily be included, but you can get any PRP submission that has been made to us over the last 15 years just by asking us for it.

MR. HERBERT: We'll fax you another request and submit it to you tomorrow.

MS. GAWLINSKI: Okay. I'd like to get some resolution on the issue of, of the township's comments. Can we -- can everybody live with the township hosting a meeting and U.S. EPA, OEPA and others being present to hear the findings of the report?

MS. FABINSKI: That's not the purpose of the meeting. You keep changing that purpose by saying hearing the report.

MS. GAWLINSKI: Let me finish.



MS. FABINSKI: They have asked for a  
discussion.

MS. GAWLINSKI: Louise, let me

finish. I'm talking to my project manager here who said we are not ready to discuss or it may not even be appropriate to discuss the findings of that particular set of comments over the others but we would be willing and would -- that will be fine, we would like to hear your presentation on your report. At this point I think that's what we can commit to. We're not ready to discuss the contents of it, but we would like to hear -- to be present at a presentation.

MS. FABINSKI: What value is that?

MR. HAYNAM: We would like to make a presentation on the report as well.

MR. GAWLINSKI: And you would like to make a presentation on their report as well?

MS. RULEY: Is that the same presentation they gave to Regula and Sawyer --

MR. HAYNAM: I doubt that you have --

MS. RULEY: -- and the Canton Repository?

MR. HAYNAM: I doubt it.

MS. GAWLINSKI: They would like to

make presentation on your report he said.

MS. RULEY: Is that the same  
presentation made to Daryl Revoldt and Sawyer

that you would be giving here?

MS. GAWLINSKI: Your report.

MR. HAYNAM: No, I would like to present comments on your report.

MS. RULEY: Oh, okay.

MR. STRUTTMANN: So we don't know where it is.

MR. FRANKS: But that could take place during the discussion, and I would like to make my comments and everyone, so why can't he get --

MS. RULEY: How about if I get with my attorneys and write you a letter tomorrow.

MS. BOLT: I just wanted to ask you a question. If after -- if after our discussion on this, is anybody willing to take the responsibility and step forward and say this is right or this is wrong other than Mr. Thurlow, is it?

MR. THURLOW: Uh-huh.

MS. BOLT: Is there anybody that will object to him --

MS. GAWLINSKI: The agency -- what do  
you mean? I mean, the agency will issue --

MS. BOLT: After you listen to this,

after we have our discussion, after everybody is putting their input, is there any individual who has enough juxta or whatever to say you shouldn't go forward before the Record of Decision comes out or will you just listen and then he'll --

MS. GAWLINSKI: I believe the agency will provide its response to that report in our responsiveness summary, that's the protocol, that's how we do it.

MS. BOLT: I'm asking is there an entity in the whole organization that will --

MS. GAWLINSKI: U.S. EPA will provide its response.

MR. THURLOW: Well, the person at the top is going to have to sign it, so it's the person at the top is where the buck stops.

MS. FABINSKI: Does Ohio have to sign off on the change in the Record of Decision?

MR. THURLOW: No. Ohio will have an opportunity to do that for sure.

MS. FABINSKI: Any one of our agencies, Norma, could say that we did not agree

with the Record of Decision. I think -- but  
you've already heard our opinion of what their  
proposed plan is, so if they adhere to this

proposed plan I would think our agency would concur with this, okay, unless they really screwed up something royally, okay.

MS. BOLT: Then you will step forward and speak up?

MS. FABINSKI: Please?

MS. BOLT: Then you would speak up, is that what I'm hearing?

MS. FABINSKI: They have proposed to put a cap on the site and to do groundwater monitoring, we have said we agree with that concept, however, we want to see what that monitoring program is. If that monitoring program is not adequate, in our opinion, to protect public health, we will speak up about that. We're nonregulatory, but we will speak up.

I think Ohio EPA -- and I don't want to talk for Larry. Larry, what was your bottom line on considering the cap and considering a monitoring plan?

MR. ANTONELLI: Well, we supported



the approach on principle, but until the final details could be worked out there was still some uncertainties.

MS. FABINSKI: Yeah. If it absolutely -- you know, if these agencies say we don't think it can be done.

MR. WITSAMAN: Who is the final determiner of whether this change in the original Record of Decision takes place, is it Ross, is it the regional administrator?

MS. GAWLINSKI: The regional administrator.

MR. WITSAMAN: Based on the report that Ross gives him or her or whoever it is?

MR. THURLOW: Well, it's quite a few people within the agency that have to review this so it's quite a few people. I mean, it goes to the various divisions, some of the other media divisions like the water divisions. It gets a reading quite a few places within the region as well as --

MR. WITSAMAN: Who carries the most weight?

MR. THURLOW: Well, it's going to be the technical staff within the Superfund division

starting with Ross and going up to his boss, Bill

Muno, who is the --

MR. del ROSARIO: Division director.

MR. THURLOW: -- director of the Superfund.

MR. WITSAMAN: You don't have to change anything in the original Record of Decision if you don't want to? If you look at this and you decide natural attenuation and change in this cap based on -- after reviewing the public comments, the PRP comments, the township comments, if you feel that they don't have scientific merit, that your investigation doesn't justify doing that based on the protocol that you've reviewed from the agency in Washington along that remedy, natural attenuation and the change in that cap, you don't have to do anything; is that correct?

MR. del ROSARIO: That's a leading question. You know, we're still --

MR. WITSAMAN: That's what the whole process is about; isn't that correct?

MR. THURLOW: That's right, we could make a decision that we should not go forward with the proposed change to the remedy.

MR. WITSAMAN: Who originally proposed these changes? Was it the PRPs or was it you?

MR. HAYNAM: It was not us.

MR. del ROSARIO: The technical group that I belong to in the Superfund program in the remedial response branch reviewed the data, the '97 data, and came to the conclusion which is now laid out in the proposed plan. Now, that group encompassed myself, LuAnn Vanderpool, Jim Mayka and Bill Muno.

MR. WITSAMAN: Why did you review it to begin with? Why did you review the original Record of Decision, what prompted you to do that?

MR. del ROSARIO: There was additional data generated in March of '97 as a result of the monitoring that was conducted which required us to take a look at the most current information and basically compare it to what data was available back in the 1990, '93 time frame, so we looked at that.

MR. WITSAMAN: Didn't you attend a seminar in Cincinnati in 1997 in Cincinnati Bell Labs?

MR. del ROSARIO: I don't see the  
relevance of that, Terry. What's that --

MR. WITSAMAN: What I'm getting at, I

know you attended at Cincinnati Bell Labs and they brought up the subject of fiber remediation, isn't that true, and at that seminar you said that you were working at a site south of Uniontown and you thought that planting poplar trees would have been just great at this site except you didn't think you could get the community to buy it, didn't you say that?

MR. del ROSARIO: I don't recall saying that, and I think the reason why I attended that meeting was to educate myself on other remediation technologies, that was pure and simple.

MR. WITSAMAN: I read --

MR. del ROSARIO: I attended that meeting because of my conversation with a certain individual named Steve Roch from the Cincinnati office who encouraged me to attend these types of meetings to kind of make me aware of what's available out there.

MR. WITSAMAN: Well, some of the PRPs were teaching those meetings, weren't they?



MR. del ROSARIO: The reason, because  
that they were members of the Remediation  
Technology Demonstration Forum, the RTDF, I

didn't have any control over that.

MR. WITSAMAN: Isn't that a conflict of interest to you?

MR. del ROSARIO: What conflict of interest? They were members of this round table.

MR. WITSAMAN: But I read that on a U.S. EPA web site because they had minutes of what everything that went on at that meeting, that's why I am asking you that.

MR. del ROSARIO: I don't see the relevance of your question, I don't.

MR. WITSAMAN: The relevance is I feel you're biased toward a certain remedy for that site.

MR. del ROSARIO: How could I be biased? The decision that the agency has made does not include bio remediation, how can I be biased, Terry? I can't.

MR. WITSAMAN: It already shows that you're not too open to the original Record of Decision at this site, that you've already -- you've already --

MR. del ROSARIO: That's not true,  
Terry.

MS. FABINSKI: Wait, I have a

question to ask. Isn't it true that in order to do groundwater treatment and to justify paying for groundwater treatment one must have an identifiable plume, is that --

MR. del ROSARIO: That is correct.

MS. FABINSKI: -- a fair statement?

Is it not the conclusion of many people including, you know, groundwater people who have reviewed this information that there is not an identifiable plume at this site so, therefore, groundwater treatment was no longer a decision that was --

MS. GAWLINSKI: Wait a minute, could you -- let's take a break.

(Short recess was taken by request of Reporter.)

MS. GAWLINSKI: Okay. I think we should maybe quickly go over what we talked about.

MR. WITSAMAN: I want to finish this.

MS. GAWLINSKI: Well, I got some requests that maybe we should start to wrap things up --

MR. WITSAMAN: I'd like to finish  
this.

MS. GAWLINSKI: -- and get to the

purpose of the TIC.

MR. WITSAMAN: You're leaving me twisting in the wind, I would like to finish my statement, you said I could before the break.

MS. GAWLINSKI: Okay. If you can -- okay. If you can finish it.

MR. WITSAMAN: Okay. Ross was saying what's the purpose of this? The purpose of this, you said you considered the '97 data in changing the Record of Decision and yet it seems to me that, you know, they want to have a meeting on new information the township is giving you, the technical document, other things and you don't want to do that.

MS. GAWLINSKI: Well, let me clarify.

MR. del ROSARIO: I didn't say that. I never even saw the document.

MS. GAWLINSKI: Let me clarify. U.S. EPA is willing to come to a township meeting during which the township will present the findings of the report. If, however, we hear additional information that's not in the report,

that would have to be added to the administrative record.

So at this point we're willing to

come and to listen to you present the findings of the report, but we will not -- we are not in a position right now to discuss that report or anybody else's comments, those will be addressed in our responsiveness summary.

MR. WITSAMAN: Okay. In addition to that you said what you base, you know, your natural attenuation guidance on was a 1997 document; is that correct?

MR. del ROSARIO: The 1997 interim final document on natural attenuation, yes.

MR. WITSAMAN: Okay. Since then there's been additional information on natural attenuation as presented in the -- in those seminars in 1998 which would be new information.

MR. HAYNAM: Terry, that new information was dated December 1997 --

MR. WITSAMAN: Let me finish. You don't know what I'm talking about, Doug.

MR. HAYNAM: Yeah, I do.

MR. WITSAMAN: Because these seminars took place in '97 and '98.



MR. HAYNAM: I know what you're  
talking about.

MR. WITSAMAN: Okay. I have a

document here, Ross, on use of monitored natural attenuation. It says, "Although nonEPA documents may provide regional and state site managers, as well as the regulated community, with useful technical information, these nonEPA guidances are not officially endorsed by EPA, and all parties involved should clearly understand that such guidances do not in any way replace current EPA or OSWER guidances or policies addressing the remedy selection process in the Superfund, RCRA, or UST programs."

So what I'm asking you is those seminars on monitored natural attenuation, which are the most current guidance documents from U.S. EPA, you said you're not even aware of them, you weren't aware of the seminars, that you didn't go to the seminars, that you didn't talk to anybody that went to seminars, so what you're using for your guidance isn't current, isn't up to date and isn't official up-to-date policy on what I've seen so far. So I'm asking you to look at that document, review that document.

MR. del ROSARIO: What document are  
you referring to, Terry?

MR. WITSAMAN: I'm telling you --

MR. del ROSARIO: What document are you referring to?

MR. WITSAMAN: I'm talking about the U.S. EPA seminars that were put on in every region of the country in 1998 and 1999. I want you to review that information from that seminar and write me a letter and tell me that if -- are you complying with the policies of U.S. EPA.

MS. GAWLINSKI: This is what you brought up earlier, right, in this meeting? You brought this up.

MR. WITSAMAN: Right.

MS. GAWLINSKI: Duly noted. Duly noted.

MR. del ROSARIO: We've noted that.

MS. GAWLINSKI: Okay. Great.

MS. RULEY: Okay. When you were saying about the township having a meeting and you would be just be listening, since no one has seen this report as yet except you, right?

MS. GAWLINSKI: Right. I've seen it, haven't read it.

MS. RULEY: I'm sorry.

MS. GAWLINSKI: I haven't, I haven't  
read it.

MS. RULEY: I understand that. When do you think that Ross will get a copy? I'm not thinking about having a meeting tomorrow, I mean, perhaps --

MS. GAWLINSKI: In the next few days.

MS. RULEY: Within the next couple of weeks time he could look at it.

MS. GAWLINSKI: I will distribute the documents in the next week not only internally but to you guys as well, so in the next week.

MR. STRUTTMANN: In the spirit of the TIC committee, if this is a document that's presented then within a short period up to 30 days then we would be able to be -- able to comment on that and that would be consistent with your timing of the meeting.

MS. GAWLINSKI: Well, I don't know if U.S. EPA will be at that time. I think we'll be willing to come and listen, am I correct?

It's the timing of it -- he's referring to the timing of the meeting.

MS. RULEY: If you're not talking

about tomorrow, of course that doesn't make any sense.

MS. FABINSKI: Can we postpone --

since it's not going to be an official TIC thing, could we not discuss that any longer about whose role will be what at that meeting but that you get in touch with individuals privately that you would like to invite to a meeting whether it's people from the general public or if it's people from agencies and let people accept or decline.

MR. HAYNAM: Ross, to the extent that you -- personnel from U.S. EPA participated in any meetings regarding comments which were submitted or issue technical information which are designed to in any way influence the decision-making of the agency with respect to proposed --

MS. RULEY: My god, you're testing --

MR. HAYNAM: Let me finish. I would request that we be advised of those meetings and have an opportunity to comment on anything said in those meetings.

MS. RULEY: Okay. Fine. However, I would like to say if the U.S. EPA and Ohio EPA and everybody concerned listened to the 1997 data



which the PRPs took and when the township showed up for split samples it took you guys four months to tell us which labs we could send samples to.

Now, don't tell me that they're trying to take advantage of the PRPs, I don't believe that for a minute.

MS. GAWLINSKI: Okay.

MR. HAYNAM: I don't think anybody's taking advantage of the PRPs.

MS. RULEY: Oh, I don't either.

MR. HAYNAM: I'm suggesting if there's such a meeting that EPA participates in I would like to know about it and we would like to participate.

MS. GAWLINSKI: That's noted, it's on the record.

I'd like to go over quickly a couple of things that we talked about. One was the membership, the possible two new members at large. I just want to confirm that we've decided to follow on Page 6 E instead of G, meaning that we're considering this a membership change versus what's the process described under G, which is using the application process. Is that agreed upon by everyone here?

MR. STRUTTMANN: Yes.

MS. FABINSKI: Yes.

MS. GAWLINSKI: Sue?

MS. RULEY: Uh-huh.

MS. GAWLINSKI: Terry? Norma?

MR. WITSAMAN: (Nods head up and down.)

MS. BOLT: (Nods head up and down.)

MS. GAWLINSKI: Okay. So I have three names so far, Frederick Hermanowski, Theresa Thompson and Tom Shalala. And I will be giving all TIC members a copy of the March 2nd sign-in sheets in the next week, and then everyone can look at those and check off other possible candidates for the members at large, okay.

The other thing I will be doing is sending copies of all comments received during the comment period in addition to the PRPs who make their request, I will send them to Chris Borello, Terry Witsaman and Sue Ruley, and I will also send a copy of the township report to Norma Bolt and Fawn Rinehart.

And the last thing -- oh, Terry Witsaman, you will provide Ross the web site

address for the natural attenuation document.

MR. WITSAMAN: I'll get a hold of you  
and you give it to Ross.

MS. GAWLINSKI: Either way, either way, that's fine.

MR. WITSAMAN: I tried to send an e-mail one time and I got a message back that he couldn't take it. I don't know how long --

MS. GAWLINSKI: Maybe, Ross, you can give him a card.

MR. del ROSARIO: Okay.

MS. GAWLINSKI: And the last thing I have down here is that Lake Township will host -- will contact interested individuals about hosting a meeting to present its report.

MS. FABINSKI: I think you said you were also going to call Millie and Phyllis again.

MS. GAWLINSKI: To confirm.

MS. FABINSKI: Yeah, Millie said maybe she would have a name and Phyllis may have a suggestion also.

MS. GAWLINSKI: Yeah, I will do that as well as, Sue, you offered to call Phyllis.

MS. RULEY: I know Phyllis, I don't Millie but I think she's an older lady, older

than me.

MS. GAWLINSKI: Okay. Couple other  
real quick general announcements that I thought

might be of interest. One is just yesterday our administrator, Carol Browner, announced the appointment of a new regional administrator for Region 5, and his name is Francis or Frank Lyons. He's a lawyer with the Department of Justice and before that he was Assistant Attorney General for the Illinois Attorney General's Office, and he starts on May 3rd, and Dave Ullrich, our current acting regional administrator, will resume his duties as deputy regional administrator. So I wanted to let everybody know about that.

And the second thing is that the transcript from the January '99 ombudsman's meeting, which was held here, is available on line on Region 5's home page and that was in response to a suggestion I got from Chris Borello that it be added, and I've done that and it's on line now.

MS. RULEY: I tried to get on the EPA tonight and I couldn't get on.

MS. GAWLINSKI: You couldn't get on?



MS. RULEY: Huh-uh. It was U.S. EPA  
dot GOV slash Region 5. It flipped me off.

MS. GAWLINSKI: Really? I would try

again in the morning, you should be able to find this.

MS. FABINSKI: Doug, I've had problem getting on yours again, what is it?

MR. HAYNAM: IEL Cleanup dot COM.

MS. FABINSKI: Yeah, I couldn't get on last week, was it down to be updated or something?

MR. HAYNAM: No.

MS. FABINSKI: No? I'll try it again.

MS. GAWLINSKI: Okay. So I thank everyone for coming and --

MR. HERBERT: I have two points I wanted to reiterate, for all records the EPA may have for responsible parties that have been submitted at any time so anything like test results, assessments, analysis, whatever. We will follow that up with a letter.

And, two, aren't you going to set another meeting tonight?

MS. GAWLINSKI: Oh, that's what we

actually started to talk about, I don't know how long ago, the timing for the next Technical Information Committee meeting. I think the

region believes that that meeting would take place after a decision is made when we have something to draft, technical document for the TIC to review.

So at this point I don't think we're able to pick, you know, June 3rd is the day or, you know, July 13th. I think that that would have to be determined at a later time.

MS. FABINSKI: Do you have a potential month that it might be? I mean, are we talking about one month, two months, three months, four months?

MS. GAWLINSKI: Louise, it depends on how long it would take us to go through the comments, respond to them, get a decision made, so there are variables there that we can't predict at this point. I can tell you we are working hard on this and want to move things along as quickly as possible and make a decision but we -- I don't think we can even pick a month at this point.

MR. WITSAMAN: I never got a final

answer you would release your response to the  
public comments before the Record of Decision --

MS. GAWLINSKI: No, we will not.

MR. WITSAMAN: -- if then? You wouldn't change that?

MS. GAWLINSKI: No, we will release it with the Record of Decision.

MR. WITSAMAN: Is there any process where we could formally request that somewhere else other than just talking to you?

MS. GAWLINSKI: You can I'm sure request it in writing, but I don't know if you're going to get a different response.

MR. THURLOW: No, I wouldn't encourage you to hope you're going to get a different response. You can write a letter to the regional administrator.

MS. FABINSKI: Is that policy or is it regulation?

MR. THURLOW: Well, it's going to be whoever is documented in that position when the letter is received.

MR. WITSAMAN: Do you have any guess, Ross, on when -- I don't want to say the new Record of Decision but when your responses to the

public comments may come out at all, I mean,  
months?

MR. del ROSARIO: Well --

MR. THURLOW: He hadn't seen it yet so that's the problem.

MS. GAWLINSKI: Like I said, Terry, depends on the perplexity, the number of issues.

MR. THURLOW: It depends on how complicated it is. We're given to understand that you've got a really substantial document right there that we haven't seen yet, so it's difficult to say sight unseen how long it's going to take us to respond to it.

MS. FABINSKI: I wanted to ask you a question. Is it policy or is it regulation that EPA can only release its response to public comments at the time that the ROD is released?

MR. THURLOW: It's not a regulation, it's our policy.

MS. FABINSKI: So it's policy?

MR. HAYNAM: It is part of the record, Record of Decision, the responsiveness summary is part of the record.

MR. THURLOW: So you mean you can't issue a Record of Decision without a



responsiveness summary but --

MS. FABINSKI: Could you do  
responsiveness without a ROD is the question?

MR. THURLOW: Yeah, but that, you know, it's not -- there's not a regulation that speaks exactly to that question I would say.

MS. GAWLINSKI: Okay. I'm going to wrap it up here. Thank you all for coming, and I will get all the documents, as I said, to everyone in the next week, and, Sue, we look forward to hearing from you about your meeting. Thank you all. Good night.

MS. FABINSKI: Night.

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(Hearing concluded at 9:45 o'clock p.m.)

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C E R T I F I C A T E

STATE OF OHIO, )

) SS:

SUMMIT COUNTY, )

I, Cynthia Holderbaum, an RPR and

Notary Public within and for the State of Ohio,

duly commissioned and qualified, do hereby

certify that the proceedings were by me reduced

to Stenotypy, afterwards transcribed upon a

computer; and that the foregoing is a true and

correct transcription of the proceedings so given

as aforesaid.

I do further certify that these

proceedings were taken at the time and place in

the foregoing caption specified, and were

completed without adjournment.

I do further certify that I am not a

relative, counsel or attorney of any party, or

otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto

set my hand and affixed my seal of office at

Akron, Ohio, on this 4th day of May, 1999.

---

Cynthia Holderbaum, RPR and Notary  
Public in and for the State of Ohio.

My Commission expires December 17, 2002.